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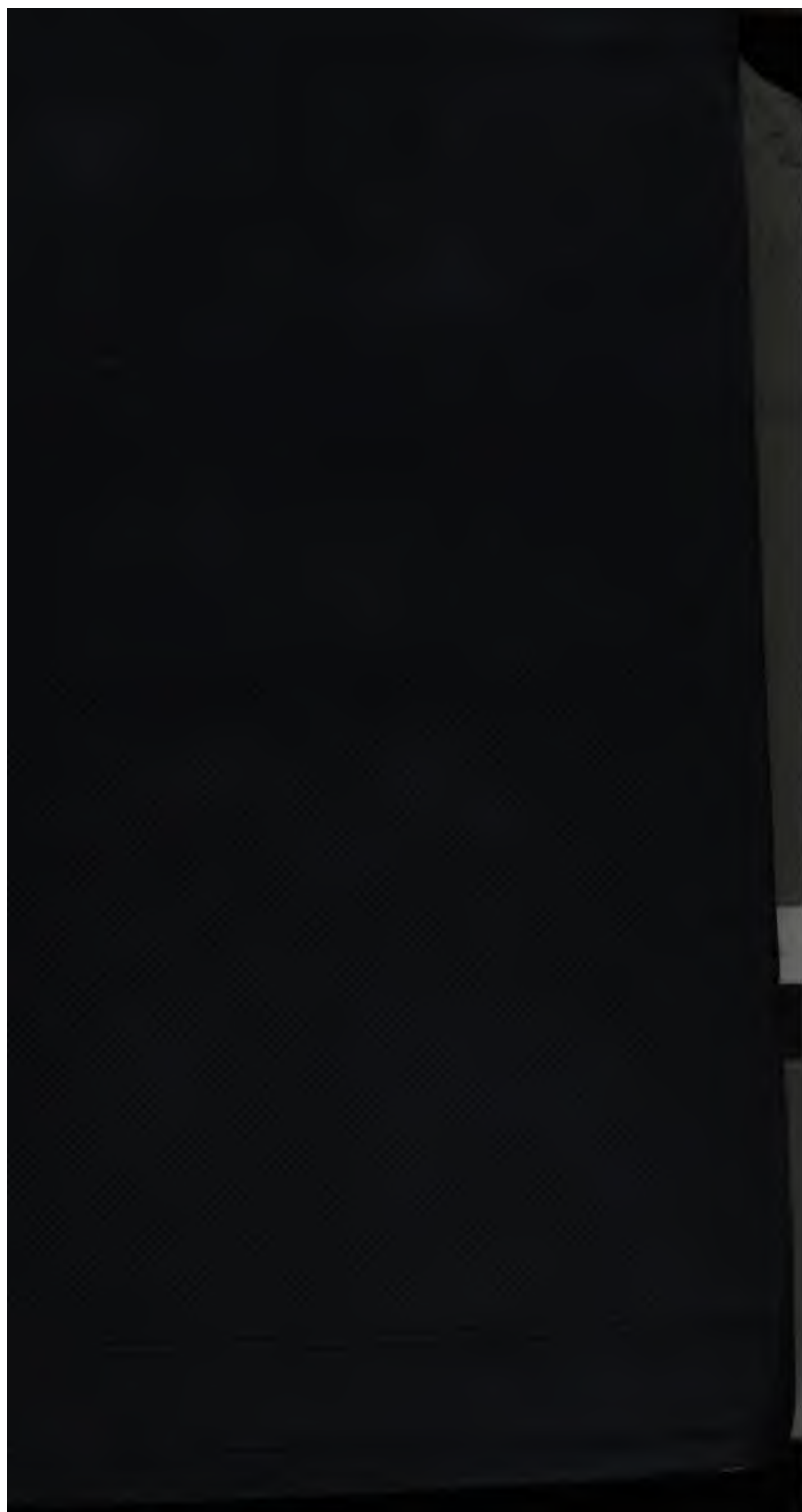
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CHAPTERS FROM THE SIXTH VOLUME OF

Masson's Life of Milton



CHAPTERS FROM THE SIXTH VOLUME OF

The

Life of John Milton

NARRATED IN CONNEXION WITH

THE POLITICAL, ECCLESIASTICAL AND LITERARY

HISTORY OF HIS TIME

BY

DAVID MASSON, M.A., LL.D.,

EMERITUS PROFESSOR OF RHETORIC AND ENGLISH LITERATURE IN

THE UNIVERSITY OF EDINBURGH, HISTORIOGRAPHER

ROYAL FOR SCOTLAND

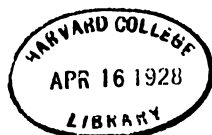
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PREFATORY NOTE

THESE chapters from the Sixth Volume of Professor Masson's *Life of Milton* having been set as a special subject for the Intermediate Arts Examination of the University of London in 1899, the publishers thought that they would be meeting the convenience of candidates by issuing, with the author's consent, a limited number of copies of them in a separate form.

December 1897.

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CHAPTERS FROM VOLUME VI OF
THE LIFE OF JOHN MILTON
WITH THE
HISTORY OF HIS TIME

BOOK I—CHAPTER I

THE YEAR OF THE RESTORATION: MAY 1660—MAY 1661

AT the Hague, whither Charles and his retinue had removed from Breda, and where their reception by the States-General was "incredibly noble and splendid," there duly arrived, on the 15th of May, 1660, the Commissioners from the two Houses of the Convention Parliament, sent to congratulate his Majesty and implore his immediate presence in his dominions. In the audiences they had with him next day the chief spokesman was Denzil Holles, one of the twelve Commissioners for the Commons. He informed his Majesty of the boundless joy of the Parliament in the prospect of his return, and of their alacrity in adopting means for manifesting that joy. "In so doing," proceeded Holles, "they are, according to the nature of Parliaments, the "true representatives of the whole nation; for they but

B

“do that in a more contracted and regular way which
“the generality of the people of the land, from one end
“of it to the other, do in a more confused and disorderly
“manner, yet as heartily and as affectionately. All
“degrees and ages and sexes,—rich and poor, as I may
“say, and men, women, and children,—join in sending
“up this prayer to Heaven, *God bless King Charles!*
“*Long live King Charles!*, so as our English air is not
“susceptible of any other sound, and echoes out nothing
“else. Our bells, bonfires, peals of ordnance, volleys of
“shot, the shouts and acclamations of the people, bear
“no other moral, have no other signification, but to
“triumph in the triumph of our King in the hearts of
“his people. Your Majesty cannot imagine, nor can
“any man conceive it but he who was present to see
“and hear it, with what joy, what cheerfulness, what
“lettings out of the soul, what expressions of transported
“minds, a stupendous concourse of people attended the
“proclaiming of your Majesty, in your cities of London
“and Westminster, to be our most potent, mighty, and
“undoubted King. The oldest man living never saw
“the like before; nor is it probable, scarce possible, that
“he who has longest to live will ever see the like again.”
With this and the other speeches, copies of the Proclamation, the letters of the Parliament, and other documents, were delivered to Charles, and acknowledged most graciously. Then, for yet another week, the crowded Hague was still festive round the departing Royalty of the British Islands, the States maintaining their hospitalities magnificently to the last. The only inconvenience to Charles and his brothers was that they had some difficulty in obtaining cash for the bills on Amsterdam merchants which had been sent them by

Parliament in payment of the main portion of the sums voted them for their first expenses. Or, if there was any other inconvenience, it arose from the necessity of granting interviews to Messrs. Reynolds, Calamy, Manton, Case, and the other eminent Presbyterian ministers who had come from London to bespeak the King's fidelity to Presbytery and the Solemn League and Covenant, or at least to obtain his assurance that he would not show sudden favour to Episcopacy by requiring the use of the Book of Common Prayer and the surplice by his own chaplains. In the particular of his own practice the King told the reverend gentlemen distinctly that he reserved the same liberty for himself that he meant to allow to others; but on the general question he was sufficiently polite.

There was then with his Majesty another representative of British Presbyterianism, who had preceded the English clergymen. This was the Scottish Mr. James Sharp. Monk, with whom he had been in close intimacy in London for the last three months, had dispatched him to Breda in a frigate, with express and very private letters of introduction to the King and to Hyde. It was thought that Sharp, while his main business would be to secure the Kirk and Covenant in Scotland, might be able to do something also for the cause of Presbytery in England; and, when it was known in Scotland that he had gone to Breda, his friends among the Scottish Resolutioner clergy, and especially Mr. Douglas in Edinburgh and Mr. Baillie in Glasgow, were intensely interested. By the wild haste of the Convention Parliament at Westminster, Charles was coming in absolutely without conditions; and might not Mr. Sharp's dexterity, even at the last moment, remedy that fatal blunder as it might

affect Scotland? What passed between Sharp and his Majesty, or between Sharp and Hyde, no one really knows. "The King, at my first address in Breda, was "pleased to ask very kindly about *you*," Baillie was afterwards informed by Sharp, if that could be any gratification; and to Douglas it was explained at the time by a letter from Sharp: "I shall not be accessory to any-thing prejudicial to the Presbyterian government; but "to appear for it in any other way than is within my "sphere is inconvenient, and may do harm and not "good." This referred only to interference in behalf of Presbytery in England; in the business of his dear native Kirk he would, of course, remain indefatigable. On receipt of the letter, Mr. Douglas could only sigh, and hope the best. Amid all that vast jubilation in the three kingdoms which Holles reported to his Majesty there were, here and there, some heavy hearts¹.

For some days Montague's fleet had been in the Bay of Scheveningen, ready for his Majesty's orders. Visitors from the Hague had been coming on board daily in great numbers, and some of the officers of the ships had, by Montague's leave, landed at the village of Scheveningen for a run thence to the Hague. One of those so favoured had been Mr. Samuel Pepys, Montague's private secretary, whose delight with the city and its fine sights, and his chance meetings with Dr. Fuller and other London friends there, and his glimpses of important Dutch personages, and especially his pleasure in being admitted to kiss the royal hands, are all duly chronicled in his Diary. Montague himself had remained

¹ Clarendon, 907-909; Lords and Commons Journals, May 23; Parl. Hist. IV. 35-40 (Holles's Speech); Phillips (continuation of Baker's Chronicle, edit. 1679), 710; Pepys's Diary, May 4-16; Baillie, III. 410; Memoir of Sharp in Chambers's *Biog. Dict. of Scotsmen* (containing extracts from Sharp's letters).

on board, waiting the eventful day, while in all the ships there was carpentering, painting, and cutting out of silks and other decorations. And lo! at last, after a delay of two days on account of rough weather, there did come the complete procession of departure from the Hague to Scheveningen. His Majesty, the Duke of York, and the Duke of Gloucester, were accompanied by the ex-Queen of Bohemia, the widowed Princess of Orange, and her young son Prince William of Orange, to see them off, while an "infinity of people" who were to go with them, the Parliamentary Commissioners included, either preceded or followed. This was on Tuesday the 22nd, when a cannonade twice round all the ships of the fleet welcomed his Majesty's arrival on the shore, and Mr. Pepys, firing the first gun on board the *Naseby*, nearly blew out his right eye by holding it too near the touch-hole. But the cannonading was nothing to that of next day, Wednesday the 23rd, when boats from the shore brought off his Majesty and his Royal relatives, and they actually stood on the deck of the *Naseby*. While Montague and the rest were kissing hands there, the roar of guns in the bay was perfectly astounding. It ceased only when his Majesty, the two Dukes, the Queen of Bohemia, the Princess of Orange, and little Prince William, sat down to a state-dinner by themselves,— "which was a blessed sight to see" says Pepys most gravely. After dinner there was a rather interesting ceremony. It was on board *The Naseby* that his Majesty had come, but that could be the name of the ship no longer. It was agreed that she should be thenceforth *The Charles*; and the King and the Duke of York, with Montague assisting, went over the names of the other ships, changing *The Richard* into *The James*, *The Dunbar*

into *The Henry*, *The Lambert* into *The Henrietta*, *The Speaker* into *The Mary*, &c. This ceremony over, the Queen of Bohemia, the Princess of Orange, and her son, took their leave, to return to the Hague, the Duke of York at the same time going on board the *London*, and the Duke of Gloucester on board the *Swiftsure*, in which ships they were to make the voyage severally, while Charles himself remained in the re-christened *Naseby*. Anchor was weighed in the afternoon, and, "with a fresh gale and most happy weather," the squadron sailed for England¹.

All the afternoon, while the Dutch coast was yet visible, Charles was walking "here and there, up and down," about the ship, "very active and stirring" and chatting and discoursing with everybody. On the quarter-deck he got on his favourite subject of his escape after the battle of Worcester, telling the most laughable stories of his disguised wanderings and the queer straits in which he found himself, though Pepys, standing among the listeners, was sometimes "ready to weep." Evening had come when Montague, by his swiftest vessel, sent off a letter to the Speaker of the House of Lords, reporting all well so far. "May 23, 1660, about ten leagues from "Scheveling, our course west-and-by-north ; seven o'clock "in the evening, Wednesday ; a fresh gale at north-and-"by-east," is his sailorly dating of the letter, corroborated by Pepys's farther report, "Under sail all night, and most glorious weather." Though the ship was so overcrowded that there was difficulty in finding beds for all, Pepys was in splendid company and never enjoyed himself more.

¹ Pepys, May 14—23 ; Letter of Montague to the Lords, of date May 23, printed in the *Lords Journals* of the 25th. Clarendon, by a blunder rather strange from him in such a matter, gives the 24th as the day of setting sail (p. 910).

Next day it was even better, for then Pepys had Mr. Holles, Dr. Earle, the King's chaplains, the King's physicians, and others, to dine with him in his own cabin, and on deck all day persons of honour were walking about, or distributed into groups, and among them was the inimitable Tom Killigrew, telling his funniest stories. And so that day passed, and just before night they sighted the Kentish coast¹.

On Friday the 25th there was the landing at Dover. The King and the two Dukes went ashore together about noon in one barge, the captain of Montague's ship steering, and Montague himself attending bare-headed. On the beach, "infinite the crowd of people, and the "horsemen, citizens, and noblemen of all sorts," with shouting and joy "past imagination" when his Majesty set foot on the ground, and General Monk stepped forward from the rest with a profound obeisance, as if to prostrate himself, but his Majesty took him by the hand most gloriously and kissed and embraced him. Others round Monk were kissing the hem of his Majesty's garments; and one of these, who says he observed his Majesty's countenance closely on his first stepping ashore, thought he could see in it "a mixture of other passions besides joy." As there was to be no stay at Dover, a canopy had been prepared, under which his Majesty walked, attended by Monk, to a chair of state at some little distance from the water-side; and here, while he talked with Monk, the Mayor and Aldermen of Dover made their formal salutations. They presented him with "a very rich Bible," which he graciously accepted, saying "it was the thing that he loved above all things in the world." Then, in a coach which was in waiting, he

¹ Pepys, May 23—24; Lords Journals, May 25.

and the two Dukes, with Monk, drove off through the town on their way to Canterbury, these four inside, and the Duke of Buckingham stowed in the boot. To Montague, who had never stirred from the barge, it was a relief to know that his part of the great business was thus happily over without the slightest mismanagement. He returned to his ship, thanking God; and his last order to Pepys that night was that a mark at the head of the chief cabin, which his Majesty had made with his own hands that morning, in record of his exact height, should be carefully gilded, and a crown and the letters C. R. placed in gold beside it. All future visitors to the ship were to be shown that mark, and to know that it was in this ship that Charles had come over.¹

At Canterbury the Royal party made a halt of nearly three days, with a fresh influx of people of rank to welcome his Majesty, and with more and more of conversation between his Majesty and Monk. Here it was too that his Majesty conferred the great honour of the Knighthood of the Garter on Monk and on the Earl of Southampton, with more ordinary knighthoods on a number of others. Among these was Mr. William Morrice, now specially introduced by Monk as his intimate friend and wisest adviser, and on that ground at the same time admitted of his Majesty's Privy Council and made one of his Secretaries of State. Monk himself and Sir Anthony Ashley Cooper were also sworn of the Privy Council. More important than these formalities perhaps was the fact that Hyde, the King's real chief minister all through his exile, first under his old title of Chancellor of the Exchequer, dating from 1642, but since 1658 under the higher title of Lord Chancellor of

¹ Pepys, May 25; Phillips, 711; Parl. Hist. IV. 58—59.

England, had now an opportunity of taking his private measure both of Monk and of Mr. Secretary Morrice. Hyde had been making his observations, and communicating to the King his doubts whether "Old George" was altogether the Solomon he looked, when, on Monday the 28th, there was a move from Canterbury Londonwards, by Rochester. One reason for the delay at Canterbury had been that his Majesty wished to enter London on his birthday, Tuesday the 29th, when he would be thirty years old.

So it was arranged, and so it happened. Of that extraordinary royal progress of King Charles from Rochester to Whitehall on the 29th of May, 1660, there was to be a remembrance to all generations. Who can describe it? The long highway of more than five-and-twenty miles from Rochester was lined on both sides with acclaiming multitudes, so that it seemed "one continued street wonderfully inhabited." On Blackheath there was the passage of review through the bannered army of horse and foot, fifty thousand strong, drawn up to salute his Majesty, with the address of loyalty presented by the commanding officer, and all the other picturesque incidents, as imagined by Scott for the last scene of his *Woodstock*. At the skirts of London itself there were the kneeling Lord Mayor, Aldermen, and Common Council, with a rest for civic ceremonial, and for the collation which had been provided; and thence through the City, the trained-bands and City Companies keeping order in the streets, and the windows all hung with tapestry, there was the procession as far as to Fleet Street and Temple Bar. After it had passed Temple Bar one could see how it was finally marshalled. Major-General Browne led the whole, with a troop of three

hundred in cloth of silver ; next came a marching mass in purple velvet ; next, a troop in buff, with silver sleeves and green scarfs ; then smaller troops, in blue and silver, grey and silver, and pure grey, all with trumpeters before them, as finely appavelled as those of the former troops ; then three troops more in rich habits, but of colours not reported ; then the Sheriff's-men, in red cloaks and with pikes in their hands, to the number of four-score, and six hundred picked men of the City-companies, in black velvet suits with chains of gold ; then kettledrums, trumpets, and streamers ; then twelve London ministers ; then the Knights of the Bath and their Esquires ; then more kettledrums and trumpets, preceding his Majesty's life-guard of horse ; then, in a blaze of various colours, the City-marshal, the City-waits, and all other City-officers, concluding with the two Sheriffs, the Aldermen, the Heralds and Macers, and the Lord Mayor carrying the sword ; then Lord General Monk and the Duke of Buckingham ; then, O then, HIS MAJESTY himself, between the Dukes of York and Gloucester ; then a number of the King's servants ; and, last of all, a troop of horse with white colours, and the Lord General's life-guard, and five regiments more of horse, and two troops of mounted noblemen and gentlemen. It was about half-past seven in the evening when his Majesty thus arrived at Whitehall, where meanwhile the two Houses of Parliament were assembled in the Banqueting House, ranged in due order. In among these his Majesty walked, with strange thoughts perhaps as he remembered his father's last moments in that fatal room, with the scaffold ready outside ; and, after he had seated himself in the chair of state and there had been all obeisances, he was addressed in prepared orations by the two Speakers,—by the Earl

of Manchester for the Lords, and by Sir Harbottle Grimstone for the Commons. His Majesty replied briefly, but suitably, excusing himself for his brevity by declaring that the fatigue of his journey, and the confusion of joyful noises still in his ears, unfitted him for saying much. He was, indeed, so completely tired out that the religious service in Westminster Abbey with which the day was to have ended had to be exchanged for private service in the presence-chamber of Whitehall. He slept in Whitehall that night, the first time since January, 1641-2, when he had left it with his father as a boy of twelve. Gossip says that the beautiful Mrs. Palmer, to be known afterwards as Lady Castlemaine, and finally as the Duchess of Cleveland, was already near the Palace¹.

Over England, Scotland, and Ireland flew the news of the King's triumphant entry into his capital, and everywhere with the same delirium of joy. In Edinburgh, Dublin, and all considerable towns, there were proclamations and re-proclamations, with peals of bell-ringing, bonfires and shouting mobs, public feasts and wine running from the spouts for the general benefit, drinkings of his Majesty's health and of Monk's, and burnings of Oliver in effigy, by himself or with a twin-effigy of the Devil. For months and months the delirium was to continue, and even to grow; nor through the whole reign of Charles was there ever to be an end, or even much visible abatement, of that mood of popular adoration of the monarch, with hatred to the memory of Oliver and all his belongings, which ran through the

¹ Clarendon, 994-996 (*Continuation of Life*); Phillips, 709-710; Whitlocke, IV. 415-416; Parl. Hist. IV. 54-63; Burnet (edit. 1823), I. 160, footnote by Lord Dartmouth, Secretary of State and Lord Privy Seal in the reign of Queen Anne.

Islands, like a sudden epidemic, in the first year of the Restoration¹.

From that year, for example, what a universal wheel of popular English literature to abject Stuartism and systematic Anti-Oliverianism in politics! Passing from the books and pamphlets of the Protectorate, or even from those of 1659, to the new mass from 1660 onwards, one is amazed at the discovery that the Muses in a nation can be such arrant turncoats. While Oliver lived, and for some time after his death, they had applauded him and panegyrised him, even the honest Royalist wits who remained within his dominions subdued at length into respect for him, and expressing that respect in language which was the more remarkable because it was cautious and reluctant. Now it was all otherwise. In prose and in verse, nothing but panegyrics to Charles, laudations of Charles and his kindred day after day, renunciations of Oliver in every form of posthumous insult, reports of his meditations in Hell and of his blasphemous messages upwards from his pre-eminence among the damned. Take a few of the leading instances:—Among the first to celebrate the Restoration in verse was Edmund Waller, of whose relations to Cromwell we have already seen enough, and of whose *Panegyric to my Lord Protector* in May 1655. there may be some recollection (Vol. V. pp. 85, 86). Waller must have been busy with the necessary recantation as soon as

¹ Phillips, 714; Chambers's *Domestic Annals of Scotland*, II. 261; and tradition *passim*. From an Edinburgh correspondent of the London *Parliamentary Intelligencer* of June 25—July 2, 1660, we learn that the rejoicings in that city were protracted into June. One day in that month the Major-General in command "fired the great cannon called Mounce Meg (a cannon never "fired but on extraordinary occasions); after which followed all the guns in "Edinburgh Castle, Leith citadel, and the ships in the Road." There was a largess to the soldiery; and at night "about 1500 bonfires were made on Arthur Seat, one of 40 loads of coal."

he heard of the King's arrival at Dover ; for his poem *To the King on his Majesty's Happy Return* was registered by the publisher, Richard Marriott, on May 30, the day after his Majesty's entry into Whitehall¹. Amid 120 lines of heroics his Majesty might read these :—

“Much-suffering Monarch, the first English-born
That has the crown of these three nations worn,
How has your patience with the barbarous rage
Of your own soil contended half an age,
Till (your tried virtue and your sacred word
At last preventing your unwilling sword)
Armies and fleets which kept you out so long
Owned their great sovereign and redressed his wrong ;
When straight the people, by no force compelled,
Nor longer from their inclination held,
Break forth at once, like powder set on fire,
And with a noble rage their king require ! . . .
Faith, Law, and Piety, that banished train,
Justice and Truth, with you return again ;
The city's trade and country's easy life
Once more shall flourish without fraud or strife.
Your reign no less assures the ploughman's peace
Than the warm sun advances his increase,
And does the shepherds as securely keep
From all their fears as they preserve their sheep.
But, above all, the muse-inspired train
Triumph and raise their drooping heads again :
Kind Heaven at once has, in your person, sent
Their sacred judge, their guard, their argument.”

Another of the “muse-inspired train” who made all haste was Abraham Cowley. His *Ode upon the Blessed Restoration and Return of his Sacred Majesty Charles the Second* was out on the 31st of May, published by Henry Herringman². Much is to be excused to Cowley, a man of far finer intellect and of more generous nature than Waller, and whose compliance with Cromwell's rule,

¹ Stationers' Registers.

² Dated Thomason copy in the British Museum.

though it involved the rupture of intimate previous connexion with the Stuarts, had been the effect of mere momentary despair. All things considered, however, was not Cowley labouring too consciously in this poem to win his pardon by skilful phraseology? He doubts whether the Isle, after its long lapse into barbarism, can yet expect back any of the virtues.

"Of all, methinks, we least should see
The cheerful looks again of Liberty.
That name of Cromwell, which does freshly still
The curses of so many sufferers fill,
Is still enough to make her stay,
And jealous for a while remain,
Lest, as a tempest carried him away,
Some hurricane should bring him back again."

Still there are signs of hope :—

"Where's now that *ignis fatuus* which erewhile
Misled our wandering Isle?
Where's the impostor Cromwell gone?
Where's now that falling star, his son?"

And Charles is on the horizon :—

"Come, mighty Charles! desire of nations, come!
Come, you triumphant exile, home!
He's come, he's safe at shore: I hear the noise
Of a whole land which does at once rejoice;
I hear the united people's sacred voice.
The sea which circles us around
Ne'er sent to land so loud a sound;
The mighty shout sends to the sea a gale,
And swells up every sail;
The bells and guns are scarcely heard at all;
The artificial joy's drowned by the natural.
All England but one bonfire seems to be,
One Ætna shooting flames into the sea;
The starry worlds which shine to us afar
Take ours at this time for a star.
With wine all rooms, with wine the conduits, flow;
And we, the priests of a poetic rage,
Wonder that in this golden age

The rivers too should not do so.
 There is no Stoic, sure, who would not now
 Even some excess allow,
 And grant that one wild fit of cheerful folly
 Should end our twenty years of dismal melancholy."

Sir William Davenant could at no time write so well as Cowley; but, as having been Poet-Laureate of the late reign from 1637, and as now stepping legitimately into the Laureateship again, something was expected of him. He had been a faithful Royalist all along, had suffered for his Royalism more than Cowley, had never lapsed as Cowley had done, and had been under no greater obligations to the Protectorate than for shelter, and permission at last to set up an English Opera. In these circumstances his *Poem upon his Sacred Majesty's most happy return to his Dominions*¹ is even creditable to his moderation. There is little of retrospective malice in it, but chiefly a heavy enumeration of the undoubted virtues of Charles,—his clemency, his judgment, his "fire of thought," his valour, his social and domestic graciousness, and his care for religion; and the only thing one cannot wholly forgive in the poem is its existence. Here are the six lines following the list of Charles's virtues:—

"Thus showing what you are, how quickly we
 Infer what all your subjects soon will be!
 For from the monarch's virtue subjects take
 The ingredient which does public virtue make;
 At his bright beam they all their tapers light,
 And by his dial set their motion right."

But what shall we say of Dryden? He had grown up in the Commonwealth and the Protectorate, connected with their statesmen and acknowledging their principles; he

¹ Printed for Herringman, and out in London June 25, as I learn from a copy in the Thomason Collection.

had been in official employment under Thurloe for Oliver (Vol. V. p. 375); and his best known literary performance hitherto had been his *Heroic Stanzas consecrated to the memory of his Highness Oliver*, written just after the entombment of Oliver in Westminster Abbey. Among the stanzas had been these :—

“How shall I then begin or where conclude
To draw a fame so truly circular?
For in a round what order can be shewed,
Where all the parts so equal-perfect are?

His grandeur he derived from Heaven alone;
For he was great ere Fortune made him so,
And wars, like mists that rise against the sun,
Made him but greater seem, not greater grow . . .

And yet dominion was not his design;
We owe that blessing not to him but Heaven,
Which to fair acts unsought rewards did join,
Rewards that less to him than us were given.”

And so, through a sustained eulogy on all Cromwell's military and political career, till death took him. Even then his grand influence remained :—

“No civil broils have since his death arose,
But faction now by habit does obey;
And wars have that respect for his repose
As winds for halcyons when they breed at sea.

His ashes in a peaceful urn shall rest;
His name a great example stands to show
How strangely high endeavours may be blessed
Where piety and valour jointly go.”

And yet now, in the series of Dryden's poems, that which stands next to the stanzas to Oliver's memory is the *Astraea Redux*, or celebration of Charles's Return, published, as Cowley's similar poem had been, by Herringman¹. Here there is the most unblushing retraction

¹ Publisher and author were turncoats together in this case, for Herringman had published the stanzas to Cromwell's memory.

of all that he had written less than eighteen months before. There is a poetic account of the voyage of Charles home, with note of the ship that brought him,—

“The Naseby, now no longer England’s shame,
But better to be lost in Charles’s name;”

and, after praises of Charles, and predictions of his beneficent reign, the poem ends:—

“The discontented now are only they
Whose crimes before did your just cause betray:
Of these your edicts some reclaim from sins,
But most your life and blest example wins.
O happy prince, whom Heaven hath taught the way
By paying vows to have more vows to pay!
O happy age! O times like those alone
By fate reserved for great Augustus’ throne,
When the joint growth of arms and arts foreshew
The world a Monarch, and that Monarch you!”

It is refreshing, after all this, to read a piece of verse on the same subject that came afterwards from the pen of honest Andrew Marvell. At the very least, it has the merit of bringing us close to the actual figure and physiognomy of the man that had come over in the Naseby:—

“Of a tall stature and of sable hue,
Much like the son of Kish, that lofty Jew,
Twelve years complete he suffered in exile,
And kept his father’s asses all the while.
At length, by wonderful impulse of fate,
The people call him home to help the State;
And, what is more, they send him money too,
And clothe him all, from head to foot, anew:
Nor did he such small favours then disdain
Who in his thirtieth year began his reign.
In a slashed doublet then he came ashore,
And dubbed poor Palmer’s wife his royal ——”¹.

¹ “An Historical Poem”: Grosart’s edition of Marvell’s Works, I. 343.

The following was the composition of Charles's Privy Council and Ministry in June 1660, immediately after his return :—

OF THE BLOOD ROYAL.

JAMES, DUKE OF YORK (ætat. 27), *Lord High Admiral of England, and Lord Warden of the Cinque Ports.*

HENRY, DUKE OF GLOUCESTER (ætat. 20). He died of small-pox, Sept. 13, 1660.

GREAT OFFICERS OF STATE AND OF THE HOUSEHOLD.

SIR GEORGE MONK, K.G. (ætat. 52), *Captain-General of the Forces of the Three Kingdoms, Lord Lieutenant of Ireland, Master of the Horse to his Majesty, and Gentleman of the Bedchamber.* On the 7th of July 1660 he was created DUKE OF ALBEMARLE, EARL OF TORRINGTON, AND BARON MONK OF POTHERIDGE, BEAUCHAMP, AND TEYES; and there was thenceforth much interest in observing how he, and his slatternly wife,—remembered as Nan Clarges, a blacksmith's daughter, and once a milliner,—comported themselves in the ducal dignity.

SIR EDWARD HYDE, KNT. (ætat. 52), *Lord High Chancellor of England, and Chancellor of the Exchequer.* The King wanted to make him a peer at once; but he declined the honour for the present.

JAMES BUTLER, MARQUIS OF ORMOND (ætat. 50), *Lord Steward of the Household.* His Marquisate (raised, March 20, 1660–1, to the Dukedom of Ormond) was in the Irish peerage; but, on the 20th of July 1660, he was made an English peer also, as EARL OF BRECKNOCK AND BARON BUTLER OF LLANTHONY.

THOMAS WRIOTHESLEY, EARL OF SOUTHAMPTON (ætat. 51), *Lord High Treasurer.* He was put into this office in September 1660, the Treasury having meanwhile, at his request, been managed by commissioners, of whom he and Hyde were the chief.

WILLIAM FIENNES, VISCOUNT SAYE AND SELE (ætat. 67), *Lord Privy Seal.* This is "Old Subtlety" (Vol. II. p. 155) at the close of his life.

SIR EDWARD MONTAGUE (ætat. 35), *Master of the Wardrobe.* This is the Oliverian Admiral Montague, the naval agent of the Restoration, as Monk had been the military one. In July 1660 he was made K.G., and created EARL OF SANDWICH, VISCOUNT MONTAGUE OF HITCHINBROOK, AND BARON ST. NEOTS.

MONTAGUE BERTIE, EARL OF LINDSEY, *Hereditary Lord Great Chamberlain of England*. His tenure of office dated from 1642.

EDWARD MONTAGUE, EARL OF MANCHESTER (ætat. 57), *Lord Chamberlain of the Household*.

FRANCIS SEYMOUR, LORD SEYMOUR OF TROWBRIDGE, *Chancellor of the Duchy of Lancaster*.

SIR GEORGE CARTERET, KNT. (ætat. 61), *Vice-Chamberlain of the Household*. He was an intimate friend of Hyde; he had been in charge of Jersey for Charles II, till that Island was surrendered to the Commonwealth in 1653; and he had since then resided in France.

SIR FREDERICK CORNWALLIS, KNT., *Treasurer of the Household*.

SIR CHARLES BERKELEY, KNT., *Comptroller of the Household*.

SIR EDWARD NICHOLAS, KNT. } *Principal Secretaries of*
SIR WILLIAM MORRICE, KNT. } *State*.

OTHER PRIVY COUNCILLORS.

WILLIAM SEYMOUR, MARQUIS OF HERTFORD. This aged Royalist lived only long enough to see the Restoration, and to be rewarded with a revival, in his honour, of that Dukedom of Somerset which had been dormant since the attainder of his great-grandfather, the Protector Somerset, in 1552. He died Oct. 24, 1660.

HENRY PIERREPOINT, MARQUIS OF DORCHESTER (ætat. 54). He was the son and heir of that Robert Pierrepoint, Earl of Kingston and Viscount Newark, who had been killed on the king's side in 1643 (Vol. II. p. 248).

THOMAS HOWARD, EARL OF BERKSHIRE, son of the former Royalist Earl (Vol. II. p. 152 and p. 428).

ROBERT SIDNEY, EARL OF LEICESTER, known to us at intervals since 1638, both on his account, and as the father of Viscount Lisle and Algernon Sidney.

ALGERNON PERCY, EARL OF NORTHUMBERLAND, first known to us before the Civil Wars, and afterwards as a conspicuous Parliamentarian through the Wars, from 1642 to 1649.

GEORGE GORING, EARL OF NORWICH, Royalist since 1643 (Vol. II. p. 429), and remembered most by his connexion with the siege of Colchester in the Second Civil War.

HENRY JERMYN, EARL OF ST. ALBAN'S. As Lord Jermyn, he had been chief of the household to the Ex-Queen Henrietta-Maria in France, and also, it is believed,

secretly her husband (Vol. III. p. 495). The earldom had recently been conferred on him abroad by Charles II. at his mother's request. On July 18, 1660, he returned to France for a while, as ambassador for Charles to Louis XIV.

LORD COLEPEPPER, known to us as the staunch Royalist Sir John Colepepper, minister for Charles I. just before the Civil War, and colleague and friend of Hyde in the councils of Charles II. in his exile. He died July 12, 1660, having barely lived to see the Restoration and join in its first proceedings.

LORD ROBERTS, one of the Parliamentary Peers in the Civil Wars (Vol. II. p. 431), but Royalist since then. It was intended that he should be *Lord Deputy of Ireland*.

LORD WENTWORTH (Vol. II. p. 429). He had been with the King in Scotland, and had commanded an English regiment for him, raised abroad.

COLONEL CHARLES HOWARD. This is the Oliverian on whom Oliver had conferred one of the only two peerages he created. By Oliver's patent he had been Viscount Howard since July 20, 1657. That title was null now; but in his new position as a king's man he might expect compensation.

SIR ANTHONY ASHLEY COOPER, BART. (ætat. 39).

MR. DENZIL HOLLES (ætat. 63), sufficiently known already.

MR. ARTHUR ANNESLEY, late President of the Council of State which had been appointed by the Parliament of the Secluded Members, and chief manager, along with Monk, of the proceedings towards the Restoration in the interval between that Parliament and the Convention Parliament¹.

In this body of thirty mixed old Royalists and new Royalists, forming the King's Privy Council, some with ministerial offices and others without, there was, of course, a more private JUNTO or CABINET. It consisted at first of Hyde, Monk, the Marquis of Ormond, the Earl of Southampton, Lord Colepepper, and Secretaries Nicholas and Morrice; but, in fact, there was no fixed number, and the King might call any councillor he chose

¹ List in Phillips, 713, and another (less perfect) in *Mercurius Veridicus* of June 5—12, 1660; with particles of information from Phillips afterwards, from Clarendon (whose want of dates is a constant drawback and annoyance in consulting him), and from Peerage-books and the Lords Journals.

to an occasional meeting. In the Junto itself, which was professedly only a Committee for Foreign Affairs, Hyde, Ormond, and Southampton, all men of stately character and great ability, and knit together by the strongest mutual trust and respect, overruled the rest, and combined especially to keep Monk in his proper place, as Commander-in-Chief of the Army, Duke of Albemarle, and much else nominally, but in reality "Old George" defunct¹.

Chancellor Hyde, however, was the Supreme Minister. To this honour he was entitled by his indefatigable services through all the weary years of the exile of the Royal Family. It was he that had never given up the game; it was he, with Ormond, that had always steered Charles in what they thought the right course of policy abroad, even offending the imperious Queen-mother by setting aside her interferences and suggestions from Paris; it was he that had organized and maintained the correspondence with the Sealed Knot and with other Royalists in England, urged them on or checked them on occasion, and been at the centre of all the strings. He but stepped into his natural place, therefore, in becoming the Prime Minister of Charles at the Restoration. With such a king, and with such a complexity of interests and intrigues round him, it was a position of enormous risk and enormous responsibility. The English premiership was not then the organized institution it has since become. All the ministers held directly from the King, could negotiate with him independently in the affairs of their several departments, and could be dismissed by him at his own pleasure; it was in the power of the King also to have private consultations with

¹ Clarendon, 992—3 and 1004—6 (*Continuation of Life*); Burnet, I. 160—167.

persons about him not of the Privy Council, and to do acts by their persuasion of which the Privy Council or the nominal Cabinet knew nothing; and it was only in so far as the King might choose to follow the custom of having a "Favourite" for the time, and regulating his dealings with everybody else by the advice of this Favourite, that any one minister could exercise general control. There is no more interesting passage in Clarendon than those pages of the Continuation of his Life where he specifies the difficulties of such an undefined ministerial supremacy. His conclusion, he tells us, was to accept the place as clearly his by right and by necessity, and to do his best as prime minister for Charles till Charles should discard him, but to avoid the name of "prime minister," as unpopular in England, and to exercise the functions, in as constitutional a manner as possible, in his capacity as Lord High Chancellor. In this capacity, and as Privy Councillor and member of the Junto, he could have access to the King at all times, know all that went on, and have sufficient power of check or remonstrance where he disapproved, without lodging himself permanently in Whitehall, and so imposing his grave presence upon the King unofficially or unnecessarily, and interfering with his companionships and pleasures. And Charles, in the beginning of his reign at least, was most willing to accept this Premiership of the Chancellor. He had his conferences with other ministers, and his more careless hours with many sorts of companions, not without effects that were annoying or thwarting to Hyde; but, in the main, he saved himself trouble by deferring to Hyde in everything, and sending everybody to Hyde that came on any public business.

THE KING and THE PRIME MINISTER, THE JUNTO

or SELECT CABINET OF THE PRIVY COUNCIL, and THE PRIVY COUNCIL itself: such was the top of the apparatus of the Restoration Government. But the apparatus included THE PARLIAMENT; and all depended on the proper connexion and cooperation of the top of the apparatus with this main body of it.

Now the Parliament to which the King, the Prime Minister, the Junto, and the Privy Council, had to adjust themselves, for some time at least, was that CONVENTION PARLIAMENT which had met on the 25th of April 1660, and which on the seventh day of its sittings had received the King's communications from Breda, transmitted their enthusiastic response, and arranged for his return.

I. *The House of Lords*.—At the first meeting of the Parliament this House had been merely a voluntary gathering of such of the old peers as had chosen to come, knowing that they were wanted. There were but ten peers present, with the Earl of Manchester in the chair. But these had beaten up for recruits, with such effect that on April 27 twenty-six peers were present, and on the 1st of May, when there was the reception of the King's letters and the invitation for him to return, as many as forty-one. This number remained pretty steady through the subsequent days, till May 31, the second day after his Majesty's arrival at Whitehall, when it was voted, by his Majesty's request, that peers made by his father during the Civil War should be admitted. That day, accordingly, the House rose to seventy. It was the last day of the provisional speakership of the Earl of Manchester. The arrangement thenceforward was that, as by old custom, the Lord Chancellor should occupy the woolsack, or, in his absence, by commission from the King, Sir Orlando Bridgman, who had just been

appointed Chief Baron of the Exchequer. On the 1st of June Hyde took the chair for the first time, with eighty lords present: viz. their Royal Highnesses the Dukes of York and Gloucester, the Duke of Buckingham, the Marquises of Dorchester and Newcastle, thirty-seven Earls (among whom the Earl of Salisbury ventured to show his face), five Viscounts (of whom Cromwell's son-in-law Falconbridge was one), and thirty-three Barons. The King himself made his appearance in the House that day, and, the Commons having been summoned to meet him, made his first address to the two Houses, followed by a longer speech from the Chancellor. He also gave his assent, *Le Roy le veult*, to three Bills of pressing importance that had been prepared by the two Houses, one of them being an Act for confirming the present Parliament and removing all doubts of its validity hitherto. This, as it were, reconstituted the two Houses; and from that day between seventy and a hundred peers continued to be the maximum attendance in the Upper House, though, as the same peers were not always present, the total number of peers available may have exceeded a hundred. They were all temporal or lay peers, the readmission of Bishops not having yet been even discussed. Between twenty and thirty of the peers had been Parliamentarians, and were of Presbyterian prepossessions¹. II. *The House of Commons*.—This House, it is to be remembered, no longer included representatives from Scotland and Ireland, but was a representation of England and Wales only, in the old fashion. Of the 500 members who had been returned by the constituencies more than 400 had taken their seats at once. When the House was counted

¹ Lords Journals, from April 25 to June 1, 1660.

on the 5th of May there were 400 present. Returned as they had been in a fervour of Royalism among the constituencies, they were, almost to a man, friends of the Restoration at all risks, and prepared to support Charles after they had received him. Lambert, Harrison, Ludlow, Scott, Weaver, Miles Corbet, and other Republicans or Regicides who had been daringly proposed for constituencies, had been rejected. Actually, however, two of the Regicides had got in,—Colonel John Hutchinson for Nottingham, and Colonel Richard Ingoldsby for Aylesbury; and there were at least two more who, though they had not signed the death-warrant of Charles I, as these had done, had taken part in his trial,—Francis Lassels, member for Allerton in Yorkshire, and Robert Wallop, member for Whitchurch. Several others must have been uneasy in their seats, in recollection of their extremely Republican antecedents. There was also in the House a considerable sprinkling of Oliverians proper, or persons who had been conspicuous supporters and servants of the Protectorate, as distinct from the old Republicans. Monk himself, Admiral Montague, and Sir Anthony Ashley Cooper were Oliverians who had already splendidly redeemed themselves by hailing the Restoration or helping towards it,—to whom may be added Lord Broghill, Clarges, and William Pierrepont. Oliverians not so sure of forgiveness, but who had yet to earn it, were Sir Charles Wolseley, Richard Norton, and Andrew Marvell, member for Hull. Among Royalists in Monk's retinue, whether Oliverians or not before, were, besides his brother-in-law Clarges, Colonels Knight and Clobery, and Mr. William Morrice. Among the members one notes, more miscellaneously, Fairfax, Lord Bruce, Sir William Waller, Holles, Arthur Annesley,

Prynne, Major-General Browne, Colonel Massey, Sir George Booth, Colonel Fagg, Viscount Falkland, Sir Thomas Wenman, Alexander Popham, Sir John Evelyn of Surrey, Sir John Evelyn of Wilts, Sir Thomas Middleton, Sir Samuel Luke, Sir Robert Pye, Sir William Penn, Sir Edward Deering, John Rushworth, John Crewe, Sir Richard Onslow, Arthur Onslow, Sir Anthony Irby, Sir Horatio Townshend, Alderman Robinson of London, and the lawyers Sir Thomas Widdrington, Glynne, Matthew Hale, Maynard, and Heneage Finch. Altogether, the House, though with old Episcopalian Royalists in it, and young Royalists pliable enough on the Church-question, was massively Presbyteriano-Royalist.—In the month it had sat before the King's arrival the most active members in shaping the business and keeping all in proper order, under Sir Harbottle Grimstone's Speakership, had been Annesley, Prynne, Pierrepont, Sir Anthony Ashley Cooper, Morrice, Clarges, Crewe, Alderman Robinson, and the lawyers. The two first are especially conspicuous in the journals. Annesley, as President of the Council in State, had reported daily from that body and submitted the most important motions, while Prynne, as an independent member of peculiar celebrity, had taken a great deal upon himself. Holles had gone to the Hague as one of the Commissioners to the King, or he would have been as prominent. There was no division till the 29th of May, and then only on the question of adopting some amendments by the Lords on a bill that had been sent up to that House. There were then 170 present, of whom 104 voted *Yea* and 66 voted *No*. It was the day of the King's arrival in Whitehall. On the 1st of June, when the House was summoned for the first time to

meet his Majesty in the Lords, as many as 400 may have been again present.—Thenceforward, the Parliament having been confirmed and reconstituted that day by the King's assent to the Act for the purpose, and the interim Council of State having been superseded by the new Ministry and Privy Council, and the members of the House having taken the oaths of supremacy and allegiance, all was to go in regular routine. While the Chancellor presided in the Lords, Sir Harbottle Grimstone sat on as Speaker of the Commons, with steady attendances about him of from 200 to 300, rising on occasion to about 350; and Annesley, Holles, Sir Anthony Ashley Cooper, and Mr. Secretary Morrice, the leading councillors or ministers in the House, interpreted between it and the Junto, or between it and the King, and managed accordingly. There were other members who were much about the King or in employment at Court; and Prynne was still most conspicuously active as an independent member¹. Monk and Montague were soon to be removed by their peerages to the other House.

One great business in which the Parliament had been engaged before his Majesty's arrival was that of Pardon or Revenge. The basis for proceedings in this business was furnished by that Declaration, dated from Breda, April 4, and entitled *His Majesty's Gracious Declaration to all his Loving Subjects*, which had been one of the documents brought over by Greenville to Monk, and which, after having been kept in reserve till the fit moment, had been produced in the two Houses on the 1st of May with such immense effect (Vol. V. pp. 696—

¹ Commons Journals from April 25 to June 4, 1660; and Parl. Hist. IV. 1—66 (including complete list of the Commons).

698). Monk's advice having been that his Majesty should promise the freest and widest indemnity possible, and Hyde and his associates abroad having concurred, this was one portion of the Declaration :—

“And, to the end that the fear of punishment may not engage any, conscious to themselves of what is past, to a perseverance in guilt for the future, by opposing the quiet and happiness of their country in the restoration both of King, Peers, and People to their just, ancient, and fundamental rights, We do, by these presents, declare,—That We do grant a Free and General Pardon, which We are ready, on demand, to pass under Our Great Seal of England, to all Our subjects, of what degree or quality soever, who within forty days after the publishing hereof shall lay hold upon this Our grace and favour, and shall by any public act declare their doing so, and that they return to the loyalty and obedience of good subjects : *excepting only such persons as shall hereafter be excepted by Parliament,—these only to be excepted.* Let all Our subjects, how faulty soever, rely upon the word of a King, solemnly given by this present Declaration, that no crime whatsoever, committed against Us or Our Royal Father before the publication of this, shall ever rise in judgment, or be brought in question, against any of them, to the least endamage of them, either in their lives, liberties, or estates, or (as far forth as lies in Our power) so much as to the prejudice of their reputations by any reproach or term of distinction from the rest of Our best subjects : We desiring and ordaining that henceforth all notes of discord, separation, and difference of parties, be utterly abolished among all Our subjects ; whom We invite and conjure to a perfect union among themselves under Our protection ”¹.

As this Declaration was published in London on the 1st of May by order of the Houses, all who chose to avail themselves of it before the 10th of June were to be safe, with the exception of such as might be implied in the passage in *Italics*. Who the excepted culprits were to be depended on the Parliament itself. The two Houses were to make the exceptions, and not the King or his Councillors.

¹ Declaration, as given in Lords and Commons Journals of May 1, 1660, in Phillips, 702—3, and in Parl. Hist. IV. 16—17.

The business had begun in the Commons on the 9th of May, the day after the proclamation of his still absent Majesty. "Mr. Finch reports a Bill of General Pardon, "Indemnity and Oblivion, which was this day read the "first time," is the record in the Commons Journals. The second reading was on the 12th, when a significant indication was given where the exceptions would lie. Passages from the Journals of the Rump concerning the late King's Trial were read, and also a Journal of the Proceedings at the Trial itself. Naturally this caused a scene. Divers members present, who had been among the King's Judges, "did severally express how far they "were concerned in the said proceedings, and their "sense thereon." Happy those who could say that, though named among the Commissioners for the Trial, they had never sat in the Court, or had discontinued their sittings before the fatal close. For it was the actual REGICIDES that the House was now in search of, first of all, as the necessary exceptions from the General Indemnity, and these Regicides were now voted to be such of the King's Judges as had been present at the last sitting of the Court and the pronouncing of the sentence on Saturday the 27th of January, 1648-9, whether they had or had not signed the subsequent death-warrant of Monday the 29th. The debate, having been adjourned, was resumed on the 14th of May, with very definite farther results. It was then resolved "That all those persons who sat in judgment upon the late King's Majesty when the sentence was pronounced for his condemnation be forthwith secured,"—a resolution which, though absolute in the wording, could apply, of course, only to such of them as were still alive; also that Mr. John Cook, who had been the solicitor or

prosecuting counsel at the Trial, and Messrs. Andrew Broughton and John Phelps, who had been the clerks of the Court, and Edward Dendy, who had been the sergeant-at-arms, should be forthwith secured ; also that the two executioners of the King, if they were discoverable, should be secured, with specification on chance of a certain person named Matthew, who had boasted of being one of them and of having received £300 for the work ; also that Cornet Joyce, of Holmby House celebrity, should be secured ; and, finally, "That the number of *Seven*, of those who sat in judgment when sentence was given upon the late King's Majesty, be the number who shall be excepted, for life and estate, out of the Act of General Pardon and Oblivion." These Resolutions were unanimous. They amounted to this:—that, while all the Regicide Judges were to be branded as infamous, and all the survivors of them, and six or seven persons more, were to be secured, to await consideration of the penalties to be inflicted on them, it was the desire of the House that the number of the surviving Regicide Judges to be proceeded against capitally should be restricted to seven, and that the rest should be reserved for minor punishments. There was no security so far that other culprits, not among the Regicide Judges, e. g. the additional six or seven above-named, might not be thought worthy of death for *their* particular shares in the great crime¹.

At this stage it may be well to enumerate the Regicide Judges present at the sentence in Westminster Hall on Saturday, Jan. 27, 1648-9. They were sixty-seven in all, of whom twenty-three were now dead. In the following list they are arranged alphabetically, save that the first

¹ Commons Journals of dates.

four are put in a group by themselves. An asterisk prefixed to a name denotes the aggravation of having been not only one of the *sixty-seven* present at the sentence, but also one of the *fifty-nine* who signed the death-warrant two days after :—

- | | |
|---------------------------------------|---------------------------------------|
| * John Bradshaw (<i>dead</i>). | * John Hutchinson. |
| * Oliver Cromwell (<i>dead</i>). | * John Jones. |
| * Henry Ireton (<i>dead</i>). | * Robert Lilburne. |
| * Thomas Pride (<i>dead</i>). | John Lisle. |
| | * Sir Michael Livesey. |
| Francis Allen (<i>dead</i>). | Nicholas Love. |
| * John Alured (<i>dead</i>). | * Edmund Ludlow. |
| Thomas Andrews (<i>dead</i>). | * Henry Marten. |
| * John Barkstead. | * Sir Thomas Mauleverer |
| * Daniel Blagrove. | (<i>dead</i>). |
| * John Blakiston (<i>dead</i>). | * Simon Mayne. |
| * Sir John Bourchier. | * Gilbert Millington. |
| * John Carew. | * John Moore (<i>dead</i>). |
| * William Cawley. | * Sir Gregory Norton (<i>dead</i>). |
| * Gregory Clements. | * John Okey. |
| * Sir William Constable | * Peregrine Pelham (<i>dead</i>). |
| (<i>dead</i>). | Isaac Pennington. |
| * Miles Corbet. | * Vincent Potter. |
| * Sir John Danvers (<i>dead</i>). | * William Purefoy (<i>dead</i>). |
| * Richard Dean (<i>dead</i>). | * Owen Rowe. |
| * John Dixwell. | * William Say. |
| * John Downes. | * Thomas Scott. |
| * Humphrey Edwards (<i>dead</i>). | * Adrian Scroope. |
| * Isaac Ewer (<i>dead</i>). | * Henry Smith. |
| * George Fleetwood. | * Anthony Stapley (<i>dead</i>). |
| * Augustine Garland. | * James Temple. |
| * William Goffe. | * Peter Temple. |
| * Lord Grey of Groby (<i>dead</i>). | * Robert Tichbourne. |
| Thomas Hammond (<i>dead</i>). | Matthew Tomlinson. |
| * Thomas Harrison. | * John Venn (<i>dead</i>). |
| Edmund Harvey. | * Sir Hardress Waller. |
| William Heveningham. | * Valentine Walton. |
| * John Hewson. | * Thomas Wayte. |
| Cornelius Holland. | * Edward Whalley. |
| * Thomas Horton (<i>dead</i>). | * Thomas Wogan ¹ . |

¹ List in Lords Journals of July 23, 1660; where, however, the names of Hutchinson and Tomlinson are omitted, for reasons there given. For the asterisks I have gone to the death-warrant itself, as given in Vol. III. pp. 719—720. The

Two most positive Regicides are here omitted. These are Thomas Challoner, and Cromwell's kinsman, Richard Ingoldsby, commonly called Dick Ingoldsby. The reason is that the Commons had now defined the Regicides to be those Judges who had been present at the sentence, and Challoner and Ingoldsby were in the peculiar predicament of having signed the death-warrant without having been present at the sentence. Challoner had been present almost every day of the trial, including that sitting in which the sentence had been agreed to; nay, he had been in his place on the very day of the sentence; but he had been absent at the moment when it was pronounced,—to compensate for which he had signed the death-warrant. Ingoldsby, it is believed, had signed the death-warrant without having been present at the trial at all. How it was to fare with Challoner in the circumstances we shall see very soon. That Ingoldsby was to escape without any punishment whatever was a foregone conclusion even now. And no wonder. Regicide though he was, had he not amply purchased his pardon by his gallant capture of Lambert and suppression of the last struggle of the Republic, and had he not been thanked for that service by the House itself not three weeks ago? There could be no thought now of penal procedure in his case. He was even to be exceptionally recommended to his Majesty's favour; and, though the awkward fact of his name on the death-warrant was to be remembered jocularly against him to the end of his life, he had his famous explanation ready, and could turn off the laugh¹.

Lords Journals of the above date also give the names from the death-warrant, but with two omitted for certain reasons.—I have culled the *dead* in the list from Noble's *Lives of the Regicides*. The *date* of death is unknown in a good many cases.

¹ See note, Vol. III. pp. 720—721.

With the list of the sixty-seven before them, the Commons advanced a step on the 15th of May. They at once distinguished the four at the top of the list from the rest, for reasons perfectly obvious; and, these four being dead and beyond the reach of punishment personally, they excepted them from the Bill of Pardon and Oblivion by the method of posthumous Attainder for High Treason. This involved the absolute and immediate forfeiture of all the property possessed by them at the date of their treason, and also the "corruption of their blood," or the stoppage of all titles, properties, or rights that might come from them, or through them, to their descendants. Accordingly, it was formally resolved "That John Bradshaw, deceased, late sergeant-at-law, be "one of those that shall, by Act of Parliament, be attainted of high treason for the murdering of the late "King's Majesty," and similarly for "Oliver Cromwell, "deceased," "Henry Ireton, deceased," and "Thomas "Pride, deceased;"—each attainder to date from the 1st of January, 1648-9. This specification of four of the sixty-seven having been made by the House itself, the Bill of Pardon and Oblivion was referred, for the rest, to a committee for consideration and report. Much depended on the composition of this committee. It consisted of fifty-two members, and included Annesley, Prynne, Lord Commissioner Tyrrel, Lord Commissioner Widdrington, Glynne, Maynard, Matthew Hale, Lord Howard, Sir Anthony Irby, and Mr. Heneage Finch. Having appointed the committee, the House turned to other matters for a while, taking care, however, on the 17th of May, to pass comprehensive resolutions empowering sheriffs and other officers to search for and seize all or any of the forty-four Regicide Judges that

were still living, and also to seize the estates, real or personal, of all the sixty-seven, living or dead ; with an accompanying resolution requiring the Council of State to stop all the ports, so as to prevent the escape of the fugitives. The House of Lords, when asked to concur with these resolutions, demurred somewhat to the one which vested powers in the Council of State, regarding that body as temporary and anomalous ; but this did not prevent the most energetic action of the police by the order of the Lords too. The Regicides were hunted for most diligently. Harrison had been already captured in Staffordshire, and on the 21st of May he was committed to the Tower¹.

The Committee on the Indemnity Bill were still engaged with it when the King crossed from the Hague to Dover in Montague's fleet, journeyed thence to Canterbury and Rochester, and made his great entry into London on the 29th of May. After his Majesty was in London, he himself, or Hyde for him, or the Junto and the Courtiers generally, might have something to do privately with the farther progress of the Bill, and with the suggestion of the persons that ought to be excepted.

Publicly, however, the business went on still within the Commons. On the 31st of May, the second day after the King's arrival, Mr. Heneage Finch, from the Committee, reported several amendments to the Bill ; these and other amendments, some of them originating in the House itself, were discussed that day, and on the 1st, 2nd, and 4th of June ; and on the 5th of June the House was in a position to put the question "That the "Seven Persons who by former order are to be excepted "out of the Act of General Pardon for life and estate be

¹ Commons Journals of dates.

“named here in this House.” The question having been carried unanimously in the affirmative, one of the seven to be so excepted was at once named. He was Thomas Harrison. No more were named that day; but next day the other six were named and agreed to in this order—William Say, John Jones, Thomas Scott, Cornelius Holland, John Lisle, and John Barkstead. Of these only Jones, in addition to Harrison, was yet in custody; most had escaped, or were to escape, to the continent. The tale of the seven surviving Regicide Judges to be proceeded against capitally was now complete. The roll of the doomed, however, was not yet closed; for on the 7th of June it was resolved that John Cook, Andrew Broughton, and Edward Dendy should, in respect of their prominent, though subordinate, parts at the King’s trial, be in the extreme class of those excepted both for life and estate, and also that the two executioners “who were upon the scaffold in a disguise” should be in the same extreme class. About these two the House had been making every inquiry. One hears no more of the person called Matthew, suspected on the 14th of May; but William Lilly the astrologer had, by order of the House of June 2, been examined by a committee as to *his* knowledge of the subject, and the report from this committee had been read to the House by Prynne, June 6. What it was we do not learn from the Journals; but we have Lilly’s own account of the evidence he gave. “The next Sunday but one after Charles the First was “beheaded,” says Lilly, “Robert Spavin, secretary unto “Lieutenant-General Cromwell, invited himself to dine “with me, and brought Anthony Peirson and several “others along with him to dinner. Their principal “discourse all dinner-time was only who it was that

"beheaded the King. One said it was the common
"hangman; another, Hugh Peters; others were nomi-
"nated, but none concluded. Robert Spavin, so soon
"as dinner was done, took me to the south window.
"Saith he, 'These are all mistaken; they have not
"named the man that did the fact; it was Lieutenant-
"Colonel Joyce. I was in the room when he fitted
"himself for the work—stood behind him when he did
"it—when done, went in again unto him. There's no
"man knows this but my master [Cromwell], Commis-
"sary Ireton, and myself.' 'Doth not Mr. Rushworth
"[then Army Secretary] know it?' said I. 'No, he
"doth not,' saith Spavin. The same thing Spavin since
"had often related to me when we were alone." Sub-
stantially this had been Lilly's information to Prynne;
who, says Lilly, "did with much civility make a report
"hereof to the House." Accordingly, next day (June 7),
after Mr. Annesley had reported the examination of
another witness, Leonard Watson, touching the person
who executed the late King, there was a repetition of
the order of May 14 for the arrest of Joyce, with an
order for the arrest also of Hugh Peters. There could
be no more popular candidate for one of the executioner-
ships, if not for the executionership-in-chief, than this
unfortunate preacher. It was with delight that the town
heard of his probable indictment in that character; and
this rhyme was at once concocted for the newspapers,—

"The best man next to Jupiter
Was put to death by Hugh Peter."

In the House itself the notion that Peters had struck
the blow was too ludicrous for serious belief; but it
seems to have occurred to them that the rhyme, if not

true in the literal sense, might be construed in another, and that in any case the arrest of the notorious parson would be universally satisfactory. Really, as far as one can see, the order for the arrest of Peters, at this stage at least, came about by the accident of Lilly's babble in the Committee¹.

On the same 7th of June on which there were the five additional exceptions for life and the order for the arrest of Joyce and Peters there were two other incidents in the history of the Act of Indemnity. One was the completion of a resolution by the Commons in these words: "Resolved and declared by the Commons in Parliament assembled that they do by this their public act, for and in behalf of themselves and every one of them, and of all the Commons of England, of what quality or degree soever they be,—*excepting only as is, or shall hereafter be, excepted by this Parliament in an Act of Free and General Pardon, Indemnity, and Oblivion, now under consideration*,—lay hold upon his Majesty's free and general Pardon, in his late gracious Letters and Declaration granted, tendered, or expressed." The other was the issue of a Proclamation by the King, recommended by the two Houses, and dated June 6, requiring all the surviving Regicide Judges not already in custody, forty in number, with Cook, Broughton, and

¹ Commons Journals of dates; Lilly's *History of his Life and Times*, as quoted in Chambers's *Book of Days*, I. 189; and two news-pamphlets in the Thomason Collection—*An Exact Account communicating the Chief Transactions of the Three Kingdoms, &c., with the daily Votes and Resolves in both Houses of Parliament: published by Authority* (No. for June 1—8, 1660), and *Mercurius Veridicus* (June 5—12, 1660). The second contains the rhyme.—In that rhyme, it may be observed, the name is given as *Peter*, without the final *s*. Though this may have been for the sake of the rhyme only, it is correct. In his own letters he signed himself always "Hugh Peter." So we are informed in Vol. VI. of the Fourth Series of the *Massachusetts Historical Society Collections* (p. 91), where many letters of his are printed from the MSS. They are addressed chiefly to John Winthrop, Junr.; whom, on account of their peculiar relationship by marriage, he calls "dear and loving son." But *Peter* will be *Peters* so long as he is remembered in the world.

Phelps, to surrender themselves within fourteen days to the Speaker of the Lords, the Speaker of the Commons, the Lord Mayor of London, or some Sheriff, "under pain of being excepted from any pardon or indemnity for their respective lives and estates." Both these incidents might bear a merciful construction. By the first the House had, with the exception we have put in italics, taken the whole nation under its wing, many of its own culpable members included, assuring them that they were safe. The other might be interpreted as a distinct pledge by the King that those of the Regicides that should surrender in terms of the Proclamation would fare the better for their confidence in his clemency¹.

Still, in that phrase of the Commons which we have put in italics, a vast deal was left dubious. It left several questions open. In the first place, what was to be the fate of the thirty-seven Regicide Judges still living, over and above the seven that had been selected capitally, and what was to be the posthumous dealing with the nineteen dead, over and above the four it had been decided to attain in chief? In the second place, were any others not yet named to be classed especially as Regicides and dealt with as such? As the House had marked its determination to seek its chief victims from among those immediately concerned in any way with the King's death, and had consequently doomed Cook, Broughton, Dendy, and the two executioners, if they could be found out, to the same gibbet with the seven

¹ Commons Journals of date, and original black letter copy of the King's Proclamation. On comparing the list of the Regicide Judges summoned to surrender in this Proclamation with that of the Regicide Judges given *ante* at p. 31, I find that the four surviving Regicide Judges not named in the Proclamation were Gregory Clements, Harrison, John Jones, and Matthew Tomlinson. Probably Clements was by this time already in custody, with Harrison and Jones. Tomlinson was at hand when wanted, whether in custody or not.

selected Regicide Judges themselves, might they not now enlarge their definition of the Regicides by bringing in some of those of the Judges who, though not present at the actual sentence, had taken some active previous part in the Trial, and also some others who had officiated at the Trial, though not as Judges? If so, how many more were to be so counted as Regicides? Then, apart altogether from the fate of those implicated in the one crime of the regicide, there was the farther question of the selection of victims from the community at large, on account of the notoriety of their actings, whether civil or military, through the time of the Republic, the Protectorate, and the Anarchy. There could be no general security till that question also was decided.

On the 8th and 9th of June there was some farther light in the Commons on all these questions. On the first of those days, "a question being propounded, "That the number of *twenty and no more* (other than "those that are already excepted, or sat as Judges upon "the late King's Majesty) shall be excepted out of the "Act of General Pardon and Oblivion, for and in respect "only of such pains, penalties, and forfeitures, not extending to life, as shall be thought fit to be inflicted on "them by another Act, intended to be hereafter passed "for that purpose," there were two divisions. On the previous question, "whether the question should be put?" there were 160 Yeas against 131 Noes; and, the question itself having been put, there were 153 Yeas against 135 Noes. In other words, it was carried, though not by a large majority, that from the general community, apart from the Regicides, the number of victims to be selected should be limited to *Twenty*, and the punishments of these should not extend to death.

But, next day, it became evident that, as regarded the Regicides still to be designated, the House was in a mood of severity. On a report from Prynne, who had been in his element in a committee for studying all the records of the King's Trial, it was found that eleven of the King's Judges, in addition to the sixty-seven who had been present at the pronouncing of the sentence, had taken such a part in the trial by sitting in the Court once, twice, or oftener, that it would be a farce not to include them among the Regicides. The eleven, here arranged alphabetically, were these:—

James Challoner : present at three sittings of the Court continuously, though not after Jan. 22.

* Thomas Challoner : present at six sittings, including that of the 26th Jan., where the sentence was agreed to, and present also on the actual sentence-day, though not at the moment ; also a signer of the death-warrant.

John Dove : at one sitting only, but it was that at which the sentence was agreed on.

John Fry (*dead*) : six sittings continuously, to that of Jan. 25, at which the sentence was rough-drafted.

Sir James Harrington : twice present.

Francis Lassels : three times present continuously, but not after Jan. 22,—i. e. same as James Challoner.

Thomas Lister : one sitting only, and that the first.

Sir Henry Mildmay : four sittings continuously, including those at which the sentence was rough-drafted and finally agreed on.

William, Lord Monson : five sittings, including that of agreement on the sentence.

Sir Gilbert Pickering : three sittings, but not after Jan. 23.

Robert Wallop : three sittings, of which that of Jan. 23 was the last.

Besides the fifty-six Regicide Judges, thirty-seven of them living, that had been left in suspense out of the total of sixty-seven already reckoned, there were now, therefore, these eleven, of whom ten were alive, to be treated as also Regicides. Then and there, in a series

of Resolutions, the House disposed of all of both sets. In one Resolution, fifty-two out of the former fifty-six, including thirty-four of those living and eighteen of those dead, were named together for exception from the Indemnity in respect of all pains and penalties, not capital, that it might be thought right to inflict upon them by another Act. The four thus left out were Lord Grey of Groby, among the dead, and John Hutchinson, Adrian Scroope, and Matthew Tomlinson, among the living. Influence was being exerted for the family of Lord Grey of Groby, and it was resolved not to except him "as to his own estate," i. e. to leave his family in possession of what property had been really his. Hutchinson, who was a member of the House, had been expressing his repentance, and had won sympathy; and, while it was resolved to expel him from the House, and also to declare him incapable of bearing any office of trust in future, there was a separate resolution that, "in respect of his signal repentance," he should be subject to no fine, and no forfeiture out of any part of his estate "not purchased from, or belonging to, the public." Adrian Scroope had sent in a humble petition to the House, in consideration of which it was resolved that, by "paying a year's rent of his lands in lieu of a fine," he should be exempt from farther fine or loss of estate. Tomlinson, for recent good conduct, had been virtually condoned since the 17th of May, when the Commons omitted him singly from the list of Regicides to be apprehended and the Lords concurred.—But what of the new eleven ferreted out by Prynne, to be added to the former list? By separate resolutions, eight of these were at once put in the same class with the fifty-two excepted in every respect not capital. These were James

Challoner, Thomas Challoner, Fry (*dead*), Harrington, Lister, Mildmay, Lord Monson, and Pickering. The remaining three were treated differently. The case of Dove, on his humble petition, was referred to a committee; Lassels, who was a member of the House, was expelled and declared incapable of any public trust, but was admitted, by a majority of votes, to the benefit of the General Pardon on payment of a fine of one year's value of his estate; and Wallop, also a member of the House, was required to appear at next sitting.—The same opportunity was taken of disposing of the case of John Phelps, the other clerk of the Court at the King's trial. Though he had escaped being conjoined with his fellow-clerk Broughton in exception for life, it was voted now that he should be among those amenable to any penalty short of death.¹

On Monday the 11th of June Wallop appeared in the House according to order. There was no such favour for him as for his fellow-members Hutchinson and Lassels. Expelled the House and declared incapable of public trust, he was reserved moreover for all penalties that might be thought fit, short of death, and taken at once into custody². The state of matters in the House of Commons, as regarded the Regicides, then stood thus:—Eighty-four persons in all, living or dead, had been classed as Regicides: to wit, the sixty-seven judges who had been present at the pronouncing of the sentence and the eleven who had taken a culpable part in the trial, with four of the court-officers at the trial, and the two executioners, whoever they were. Of these eighty-four the votes had been that four, who were dead, should be punished by the most absolute posthumous attainder,

¹ Commons Journals of June 8 and 9.

² Ibid. June 11.

twelve of the living should be punished capitally (seven of the King's judges, three of the court-officers at the Trial, and the two executioners), sixty-two should stand excepted in every respect not capital (*viz.* forty-two of the judges yet living, with nineteen of the dead judges and one of the court-officers), one should have his case farther considered (*Dove*), three should be admitted to the benefit of the Pardon on certain conditions (*Hutchinson, Lassels, and Scroope*), and two unconditionally (*Grey of Groby* among the dead, and *Matthew Tomlinson* among the living). For the forty-two of the living judges excepted from death-punishment much might depend, however, on their alacrity in surrendering themselves according to the King's Proclamation. As that had been dated June 6, the term of fourteen days would expire on the 20th, or, with allowance of a day for the publication, on the 21st. For those who did not surrender it might go worse than had been arranged.

The Regicides having been disposed of, it remained for the House to select the twenty out of the general community deserving to be regarded as prime, or all but prime, culprits, and so to be conjoined with the main mass of the Regicides by being also excepted from the Pardon in all particulars not extending to life. This difficult and intricate business, begun on Monday the 11th of June, was pursued daily till Monday the 18th, as follows:—On the 11th, *ex-Speaker Lenthall* and *Sir Henry Vane* were put among the Twenty. There was a letter from *Monk* in *Lenthall's* behalf; but it went against *Lenthall* notwithstanding, by 215 votes to 126, *Clarges* one of the tellers in his favour. There was no division in *Vane's* case.—On the 12th, a *William Burton*, better known then than now, was made one of the

Twenty. Sergeant Richard Keble was named for another, but the question was not put.—On the 13th, Oliver St. John, Alderman John Ireton, Sir Arthur Hasilrig, Colonel William Sydenham, and Colonel John Desborough, were added to the list, the only division being in the case of Sydenham, who lost by 147 to 106.—On the 14th, Bulstrode Whitlocke, who had presented a humble petition, went through the ordeal and came off by a vote of 175 to 134 not to put the question. After all, this mode of escape might amount only to a respite. Daniel Axtell was at the same time unanimously made one of the Twenty, in recollection perhaps that he had been with Lambert in the last rising for the Republic, but also of the fact that he had commanded the guard in Westminster Hall during the King's trial.—On the 15th, William Butler, one of Cromwell's major-generals, was named ; but such interest had been made for him that, after two divisions, he escaped by 160 to 131. A John Blackwell of Mortlake, the reasons for whose unpopularity might need research, was added without hesitation.—On the 16th, Lambert and Alderman Christopher Pack were unanimously added, as was also Sergeant Keble now, on second thoughts ; while Sir William Roberts escaped by one vote only. It was now Saturday, and the House in one week had settled on only thirteen of the proposed Twenty.—On that same Saturday, in evidence of the fact that, in looking about for a suitable Twenty, the demerits of various stray persons besides those that have been named had come duly to mind, and had been much discoursed of and canvassed, there is a memorable entry in the journals. The last piece of business that day, it appears, consisted of two consecutive orders and a resolution appended. The orders were (1) that his

Majesty should be moved to issue his Royal Proclamation for the calling in of all copies of John Milton's *Eikonoklastes* and his first *Pro Populo Anglicano Defensio*, and of all copies of John Goodwin's *Obstructors of Justice*, with other books of which the House would prepare a schedule, in order that all might be burnt by the hands of the hangman, and (2) that Mr. Attorney-General Geoffrey Palmer should be instructed to institute immediate proceedings, by indictment or information, against Milton and Goodwin for their defences of the Regicide in the books named. The appended Resolution was that Milton and Goodwin should be forthwith taken into custody by the Sergeant at Arms. In relation to Milton there will be subsequent investigation of this incident. We note it now in its proper chronological place as an occurrence in the week of deliberations by the Commons concerning the twenty persons in the general community that were to be excepted from the Pardon in all respects save that of life. It happened precisely at that point of their deliberations when they had chosen thirteen of the Twenty and had seven more to choose. In their ranging for suitable persons, one sees, they had naturally thought of the two most conspicuous literary defenders of the Regicide.—Hyde and the Privy Council were growing impatient with the slow course of the Indemnity Bill in the Commons; and on Monday the 18th Mr. Secretary Morrice delivered a written message to the House from his Majesty. In very gracious terms, it urged expedition with the Indemnity Bill. That day, accordingly, the House completed the Twenty by adding Charles Fleetwood, John Pyne (called "The King of the West" and described by his enemies as "a great tyrant" there), Richard Dean (not the Regicide of that name, but another,

represented as "an Anabaptist"), Major Richard Creed (with Lambert in the last rising), Philip Nye (the famous Independent preacher), John Goodwin (now separated from Milton and taken by himself), and Ralph Cobbet (with Lambert in his last rising, but remembered also as the officer who had brought Charles I. from the Isle of Wight). The nominations appear in the Journals as all unanimous, except Creed's, in favour of whom there were two divisions without success. There is evidence, however, both in the Journals and elsewhere, that this day's debate was very vehement, and that, as only seven of the Twenty then remained to be chosen, there was a competition for their nominations correspondingly keen. There had even been motions by Prynne, Lord Falkland, and others, for debarring members of Republican or Oliverian connexions from the vote on such an occasion ; and, when that idea was set aside, there were various proposals of names, with arguments for and against each. Prynne was the most ruthless and reckless in his nominations. It was he that proposed Fleetwood, and secured him in spite of some defence by military members. He actually proposed Richard Cromwell, but was not seconded in that instance ; he then proposed Major Salway, but only to be met by arguments for Salway which, with a petition from himself, saved him. Philip Jones was similarly saved, by his own petition and the intervention of Mr. Annesley and Mr. Finch. Bulstrode Whitlocke had again a narrow escape. Prynne was eager for including him after all, and was supported by some ; but the defences of Attorney-General Palmer, Sir George Booth, and others, brought Whitlocke off a second time. Richard Dean was nominated by Clarges ; John Goodwin by Prynne ; Nye by Sir William Wylde, who denounced

him as a fellow that had enriched himself hugely in the troubles, while others attacked his conduct as one of Oliver's triers of church-presentees, and one speaker insisted that he ought to be made a special example by being excepted capitally. Judge Thorpe was proposed in competition with Cobbet for the last place, and, to make room for him, it was suggested that Cobbet also might be reserved for trial for his life ; but, the House not rising to this pitch of severity in Cobbet's case either, Thorpe had to be dropped.—The notion, however, of excepting some capitally, over and above the twenty reserved for any penalties short of the capital one, had struck the House as convenient. They were at the end of their Twenty, and yet there were several left over that they longed to include somehow. "*Twenty and no more*" had been the wording of their original Resolution of June 8, in prospect of the only exceptions they were to make from the Bill of Indemnity in addition to the direct mass of the positive Regicides. Without heeding that, they ended their sitting of Monday, June 18, their Journals tell us, as follows :—"The information of "William Young, of Piellcrochun in the County of "Pembroke, Doctor of Physic, concerning Hugh Peters, "was read : *Resolved*, That William Hewlet be excepted "out of the Act of General Pardon and Oblivion ; "*Resolved*, That Hugh Peters be excepted out of the Act "of General Pardon and Oblivion." In the Hewlet here mentioned, an old Parliamentary soldier who had risen to captain's rank, the House thought they had found one of the King's executioners at last ; and, if they were right, their resolution in his case was only a confirmation of a previous resolution by inserting his name in one of two blank spaces there. But Peters was clearly a super-

numerary. He was not one of the outstanding Regicide Judges that alone remained to be added in the class of the positive Regicides when the House passed their resolution for *twenty and no more* beyond that class ; nor had he been included in that Twenty ; nor was there any relic now in the House of the absurd belief, which might have justified his conjunction with Hewlet, that he had been one of the two executioners. What then ? Was not Dr. Young's information from Pembrokeshire to the effect that Peters, when dangerously ill at Plymouth on his return from Ireland, and attended by Dr. Young, had told him that " he and Oliver Cromwell, when the said Cromwell went from the Parliament unto the Army in " 1648, did, in a field on this side Ware, none being " present besides, contrive and design the death of his " late Majesty, with the change of the Government " ? What evidence could be clearer ? Could not one see the very field, and Cromwell and Peters talking in the middle of it, and not a soul else on the horizon ? In such an extraordinary case why should there not be a twenty-first man ? Why should not Peters, who was yet skulking somewhere, but sure to be captured, be conjoined with Hewlet, and left to the law among the capital exceptions ? That, at any rate, was what the House did. His real crime was that he was Hugh Peters¹.

One would have expected Thurloe to be among the twenty excepted. He had been under arrest, by order of the Commons, on a special charge of high treason, since May 15, when a small committee of the House, including Annesley and Prynne, had been appointed for

¹ Commons Journals of dates ; Mrs. Green's Calendar of State Papers for 1660—1661, pp. 52, 57 ; Parl. Hist. IV. 68—75 (including extracts from a manuscript diary of the House by a Member, beginning June 18, 1660) ; the newspaper called *Exact Account*, &c., No. 101 (June 15—22, 1660). The summary of Dr. Young's information about Peters is from the last.

his examination. He had been found very reasonable, and willing to be of any use to the King's government that would not be dishonourable to himself. The understanding, therefore, had come to be that he should suffer no very severe punishment. Still the Commons had inserted into the Bill a special clause for putting some mark of disgrace upon him¹.

For yet another three weeks the Bill dragged through the Commons. There had to be adjustments of the wording to bring it into coherence; and amendments and provisos still suggested themselves. Thus, after reconsideration of various particulars on June 19, 22, 27, 29, and 30, and when the Bill was in the stage of the third reading, there was an exciting and complex debate, from July 2 to July 7, over certain provisos moved by one member or another in order to make the Bill even then more stringent and revengeful. One unknown member had put in a proviso for disabling all who had sat in high courts of justice since 1648, all Cromwell's major-generals and decimators, and all who had petitioned against the King. Prynne strenuously supported the proviso, and others were for extending it so as to include all who had sat in Parliament in 1647 and 1648, or had been active in any way through the Protectorate; and it required all the exertions of Annesley, Finch, Clarges, and Matthew Hale, to quench this "hand-grenado thrown into a barrel of gunpowder." Then there was a proviso for causing all in office through the Protectorate to refund their salaries,—a worse hand-grenado than the last, inasmuch as the punishment it threatened would have been worse to many than inclusion among the Twenty. Prynne, of course, spoke for the proviso, which

¹ Commons Journals of May 15 and June 29.

was opposed and scouted by Sir Thomas Widdrington, Clarges, Sir Anthony Ashley Cooper, and others, and set aside by 180 votes to 151. Yet other provisos, tending to the disablement of large classes of persons, were set aside by the steadiness of the moderate members; and, though minor alterations and additions were agreed to, the Bill emerged at last on the 9th of July, ready for one other important proviso, the addition of which had been rendered necessary by circumstances.—Before the expiring of the fourteen days allowed by the King's Proclamation, twenty of the Regicides till then at large had been reported to the House as having surrendered themselves, in this order,—Heveningham, Wayte, Mayne, Peter Temple, Isaac Pennington, Alderman Tichbourne, George Fleetwood, James Temple, Sir John Bouchier, Owen Rowe, Robert Lilburne, Scroope, Garland, Harvey, Henry Smith, Henry Marten, Sir Hardress Waller, Lord Monson, Ludlow, and Carew. Wogan had also surrendered, though after the proper date; Downes, Millington, and Potter are heard of as having surrendered; and Dixwell had announced himself as ill, but as intending to surrender. Only eleven of the Regicide Judges apart from the seven capitally prejudged seem now to have remained at large. It was deemed proper that these should suffer for their contumacy; and, accordingly, almost the last proviso added to the Bill on the 9th of July was one removing them from the second class of the excepted, and putting them into the first or extreme class, who were to be excepted for life as well as for estate. They were Daniel Blagrove, William Cawley, Miles Corbet, John Dixwell, William Goffe, John Hewson, Sir Michael Livesey, Nicholas Love, John Okey, Valentine Walton, and Edward Whalley. It would seem that

Dixwell had changed his mind, and that Wogan's late surrender had been accepted.—All was now complete ; and on the 11th of July the Bill passed the Commons, and was sent up to the Lords¹.

The Lords took their own time over the Bill, examining it in gross and in detail from their own point of view, which was by no means that of the Commons. No sooner had it been brought up by Mr. Annesley than there was a request to the Commons for all the documents concerning the King's Trial ; and, on the first reading of the Bill, on July 12, there was a sign already that at least one of the "twenty" of the Commons would fare worse in the Lords. Axtell had been talking imprudently in his prison, saying that "Monk's reign would be short," that the King and Council "would involve the kingdom again in blood," &c. ; and it happened that, just as Axtell's good friend reported this to the Council, there came also a letter from Ireland, written by an old servant of Charles I, expressing surprise that Axtell was to escape with life, when the writer could testify that he had heard him incite his soldiers in Westminster Hall to cry out for the King's execution. The letter was sent by the King to the Lords, and there read with effect. But it was after the second reading of the Bill, on July 17, when the Lords went into Committee of the whole House upon it, with Lord Roberts for chairman, that the procedure became practical. On report from the Committee by Roberts on the 20th, it was agreed that all the Regicide Judges, sentencers or signers of the death-warrant, should be excepted from the Indemnity ; and on the 23rd the House had the two fatal lists before them,—that of the

¹ Parl. Hist. IV, 75—80 (with accounts of the debates from MS.) ; Commons Journals of dates given. The surrenders of the Regicides were reported successively, June 9, 13, 15, 16, 18, 19, 20, and 21.

sixty-seven sentencers and that of the fifty-nine signers. Then, to make their meaning more exact, they ordered that Colonel Hutchinson's name should be struck out of both documents, agreeing with the Commons that he deserved pardon ; and, Ingoldsby's name also being regarded as deleted from the warrant, there remained sixty-six sentencers, of whom fifty-six were also signers, while Thomas Challoner, as the only signer who had not been a sentencer, was put in a corner of the list of sentencers as virtually one of them. Thus, in the reckoning of the Lords, there were sixty-seven Regicide Judges ; regarding whom they could come to no other conclusion than that they should be "absolutely excepted" from the Bill, whereas the Commons had put only twenty-two in that extreme category, viz. the *four* dead and *seven* living originally named, and the *eleven* afterwards added because they had persisted in absconding after the King's Proclamation. In the afternoon sitting of the same day, however, it was agreed by the Lords to spare Tomlinson, though not without a protest by the Earl of Lichfield and Lord Maynard. This reduced the number to sixty-six. The lists before the House hitherto were the most authentic that could be had ; but, on intimation that Colonel Francis Hacker, who was a prisoner in the Tower, could produce the original death-warrant, on which he had acted on the dreadful day, with all the names attached in autograph, it was ordered that Hacker should be examined on the subject. On the 24th it was reported that Hacker said the parchment was still extant, but that it was in the country, and could only be obtained by sending his wife to fetch it ; also that, on being questioned who the actual executioner was, he said he believed him to have been of the rank of a major in

the army, but did not know his name. The same day John Rushworth was brought into the House and interrogated, but could give no information to the point.—By this time the feeling in the Commons was that the Lords were very dilatory. It had been hoped that they would accept the Bill very much as the Commons had sent it up ; but their Lordships were inquiring into all afresh, as if bent on shaping an entirely new Bill of their own. There had been messages from the Commons urging expedition ; and on July 27 his Majesty himself appeared among the Lords and made an earnest speech to the same effect. He reminded their Lordships of his large promises of pardon in his Declaration from Breda, quoting the entire paragraph textually ; he hinted that, but for those promises and the very breadth of the wording of them, neither he nor their lordships might have been where they now were ; and he exhorted them to pass the Indemnity Act “without other exceptions than of those who were immediately guilty of that murder.” Their Lordships thanked his Majesty, and moved that he would be pleased to cause his speech to be printed ; but, having thus given him the benefit of whatever popularity might accrue from his interference, they persevered in their own course.—Hacker’s poor wife had brought the terrible parchment from the country ; Hacker had delivered it to the Lieutenant of the Tower ; and on the 31st it was in their Lordships’ House, where it has remained ever since. On that day and the next there was reconsideration of the case of Matthew Tomlinson. His name was not on the death-warrant ; but, as one of the sentencers, and as the colonel in chief charge of the King between his sentence and his execution, ought he not after all to be included among the Regicides ? On

evidence produced that the dead King himself had spoken of Tomlinson as one who had treated him with civility and respect in his last hours, it was finally agreed to show him favour and to omit his name from the list of sentencers. This was on Aug. 1 ; on which day also the House resolved, on report from Roberts, that Hacker, Vane, Hasilrig, Lambert, and Axtell, should be "wholly excepted" from the Bill, thus adding Hacker and Axtell to the list of the unpardonable Regicides, and conjoining with them three general culprits whom the Commons had placed among the twenty reserved for penalties not capital. As Axtell also had been put among these twenty by the Commons, there remained but sixteen of that body whom the Lords agreed to consider not absolutely unpardonable. These the Lords proposed to deal with in a different way from that which the Commons had designed. On August 2 it was resolved, on report from Roberts, "That if any of these persons following,—
"viz. William Lenthall, esquire, William Burton, Oliver
"St. John, Colonel William Sydenham, Colonel John
"Desborough, John Blackwell of Mortlake, Christopher
"Pack, alderman, Richard Keble, Charles Fleetwood,
"John Pyne, Richard Dean, Major Richard Creed,
"Philip Nye, clerk, John Goodwin, clerk, Colonel Ralph
"Cobbet, and John Ireton, alderman,—shall hereafter
"accept or exercise any office, ecclesiastical, civil, or
"military, or any other public employment, within this
"Kingdom, Dominion of Wales, Town of Berwick-upon-
"Tweed, or Ireland, then such person or persons as do
"so accept or execute as aforesaid shall, to all intents
"and purposes of law, stand as if he or they had been
"*totally excepted* by name in this Act." Whether intentionally or not, this brand of perpetual incapacitation

upon the sixteen might prove a less severe punishment for some of them than might have been awarded if they had been reserved, as the Commons had proposed, for penalties, not extending to death, to be fixed by a future Act. On Aug. 4 and Aug. 6, at all events, there were two slight relapses into mercy ; for it was agreed, on consideration of the expressed repentance of Thomas Lister and Sir Gilbert Pickering, and of the fact that their part in the King's Trial had been small, to cancel their names from the list of Regicides and give them the full benefit of the Act. But on the 7th the House proposed four additional capital victims, in a second (?) John Blackwell, a Colonel Croxton, a William Wyberd, and an Edmund Waring, selected, by private agreement, from among those who had sat in the courts that had sent the Duke of Hamilton, the Earl of Holland, and Lord Capel to the scaffold in March 1648-9, and the Earl of Derby in October 1651. On the 8th there was a resolution freeing Thurloe from penalties altogether ; but on the 9th there was exactly such a final sweep of indiscriminate vindictiveness as Prynne and others had demanded in the Commons when the Bill was leaving that House. It took the form of a resolution "That all those that sat in
 "any High Court of Justice shall be made incapable of
 "bearing any office, ecclesiastical, civil, or military, within
 "the Kingdom of England, and Dominion of Wales, and
 "that all such persons that have sat in any High Court
 "of Justice shall be liable to such further penalties as
 "by any future Act of Parliament shall be inflicted upon
 "them, not extending to life." It was intended, though not here expressed, that the resolution (which, it will be observed, brought back some of the sixteen for penalties besides incapacitation) should not apply to Ingoldsby,

Tomlinson, Lister, or Pickering, who had already been condoned otherwise. There were yet some concluding adjustments; but on the 10th the Bill, as amended, passed the Lords, and went back to the Commons for their concurrence¹.

There was a debate of two days in the Commons over the amendments of the Lords (Aug. 11 and 13). Some of the amendments were accepted,—e. g. that condoning Thurloe entirely, that removing Lister and Pickering from the list of excepted Regicides, and that adding Hacker to their number. A more difficult question was that of adopting the proposal of the Lords to brand sixteen of the "twenty" with perpetual incapacitation, instead of reserving them to be dealt with in a special Act inflicting other penalties. By a division of 197 to 102 it was agreed, however, to concur with the Lords here too, though adding Lister and Pickering to the sixteen.—But on the question of transferring the remaining four of the twenty, viz. Vane, Hasilrig, Lambert, and Axtell, to the list of capital exceptions, the Commons stood firm. They negatived that amendment, adhering to their own more merciful intention for the four. No wonder, either, that there was a resolute opposition to that amendment of the Lords which decreed capital penalties to all the surviving King's Judges who had been sentencers or signers of the death-warrant, except the three specially condoned. It proposed the capital condemnation of forty-three in this class, whereas the Commons had been content with seven originally, though they had at the last added eleven more for their contumacy in absconding after the King's Proclamation.

¹ Lords Journals of dates; Mrs. Green's Calendar of State Papers 1660—1661, p. 116 (about Axtell).

Some were for concurring with the Lords ; but others pleaded the honour of the House for the lives of all it had already voted to save, and a large majority, including Annesley and Sir George Booth, argued that the honour of the King himself, as well as that of the House, was pledged for at least the lives of all the sentencers and signers of the death-warrant who had come in on the Proclamation. These, it would seem, were reckoned now as only twenty-one,—Carew, Downes, George Fleetwood, Garland, Harvey, Heveningham, Robert Lilburne, Henry Marten, Mayne, Millington, Pennington, Potter, Rowe, Adrian Scroope, Smith, James Temple, Peter Temple, Tichbourne, Sir Hardress Waller, Wayte, and Wogan. Ludlow, who had surrendered, had again absconded ; and old Sir John Bouchier had died since his surrender, testifying to the Regicide, it is said, on his deathbed, “It was a just act, and all good men will own it.” For the twenty-one named the House resolved to adhere to their previous votes, repeating expressly their stipulation that Adrian Scroope’s penalty should be limited to a year’s value of his lands. The proposal of the Lords for four additional capital victims from among the judges of the Royalist peers was negatived with some indignation. Was it seemly that the blood of the mere Peerage should be mingled at such a moment with that of the King? Had the Commons asked for victims on account of misdeeds or insults to *their* House? Finally, on the complex proviso of the Lords for incapacitating all that had sat in any High Court of Justice through the interregnum, and also for inflicting penalties on such by a separate Act, the Commons also disagreed with the Lords. They negatived the second clause of the proviso, reserving such culprits for penalties ; and they voted to

accept the first clause if worded as follows: "Provided
"likewise that all those who, since the 5th of December,
"1648, did give sentence of death upon any person or
"persons in any of the late illegal and tyrannical high
"courts of justice in England or Wales, or signed the
"warrant for the execution of any person there con-
"demned (except Colonel Richard Ingoldsby and
"Colonel Matthew Tomlinson) shall be, and are hereby,
"made incapable of bearing any office, ecclesiastical,
"civil, or military, within the kingdom of England or
"dominion of Wales, or of serving as a member in any
"Parliament after the 1st day of September, 1660."
The Bill then went back to the Lords¹.

There had to be four Conferences between the two Houses,—Aug. 17, 21, 22, 25,—with speeches and reasonings at each, besides debates in the Houses themselves in the intervals, before they could come to agreement. The Lords gave up their demand for four additional capital victims for the slain peers, and they accepted also the modification of the proviso for those who had sat in high courts of justice; but they stood to their determination to make Vane, Hasilrig, Lambert, and Axtell capital exceptions, and also to their determination to deal capitally with all the Regicides on *their* list (the sentencers and signers), except Ingoldsby, Tomlinson, and Hutchinson. On these two questions there was a keen controversy.—That of the four culprits on general grounds was first decided. It was decided on the 24th of August, and chiefly in consequence of a suggestion thrown out by Chancellor Hyde, who had managed the third conference for the Lords and reasoned

¹ Commons Journals of dates, and Parl. Hist. IV. 96—97; with some references to Noble's *Regicides*,—a most slovenly and careless book.

in defence of their severe policy with all his lawyerly skill. Vane, Hasilrig, Lambert, and Axtell, he had contended, were "persons of a mischievous activity," such criminals that the Lords could not consent to record a punishment against them less than capital; but their lordships would join with the Commons, if they pleased, in a petition to his Majesty that, if they should be capitally condemned, he would spare their lives. This was far from satisfactory to many in the Commons, but it had such an effect that they debated on the four severally. Axtell was easily given up, as a kind of assessor of the Regicide. There was a fight for Vane, in which Holles took a brave part; but Vane was given up too. For Lambert the chief speaker was Sir George Booth, the very man whose Cheshire insurrection for the King had been crushed by Lambert; but Lambert too was given up. Finally came Hasilrig's turn. There was more speaking for and against in his case than in any of the others. On one side were Mr. Tomkins, Lord Ancram, and Sir Roger Palmer, reminding the House of his evil actings and his evil speakings. Was it not he that had stirred up the vote for no more addresses to the King in the Isle of Wight, saying to the Speaker, "Sir, shall we believe that man of no faith?" Had he not said to Sir Roger Palmer not long ago that, if Charles II. did come in, he knew the consequence for himself: "It was but three wry mouths and a swing"? Let him have what he had expected! On the other hand, Annesley, Ashley Cooper, Colonel Birch, and others, spoke for him, adducing also Monk's opinion in his favour. When it went to a division, there were 141 votes for Hasilrig to 116 against him; and so *he* was saved. There had been no division in the cases of Vane

and Lambert ; but it was agreed, on a motion by Mr. Pierrepont, going beyond Hyde's suggestion, to petition the King that they should not be tried for their lives. No one had anything more to say for Daniel Axtell.—Only the question of the Regicides now remained. Not all Hyde's special pleading could convince the Commons that the King was not bound in honour to make a difference in favour of those who had come in on his Proclamation. Otherwise they had been "snared"; all argument to the contrary by Hyde or anyone else was but ingenious sophistication. But Prynne and a few more were for agreeing entirely with the Lords,—Prynne, in especial, standing up, with his obdurate ghastly face and the cowl over the spots where his ears had been, and speaking for agreement. He had been for excepting all at first, he said, and was so still; such miscreants ought not to live; by sparing these men would not the nation itself incur the guilt of the Regicide? The wave of generous feeling overwhelmed Prynne, if it could not silence him; and Hyde had to be ready with another of his "expedients." It was propounded at the fourth conference, and was to the effect that the Commons should agree with the Lords as to all the Regicides, so that all might be tried for their lives, but that there should be a special clause in favour of stopping execution of the capital sentence in the cases of those who had "rendered themselves upon an opinion that they might safely do so." He professed not to know their names, and so had left a blank for them in the clause as it had been drafted. That same day (Aug. 25), the Lords having acquiesced in the decision of the Commons respecting Hasilrig and in their other desires, the Commons reluctantly agreed to Hyde's compromise about the Regicides, appointing a

committee to ascertain which of them were entitled to the benefit of the saving clause, and at the same time to see to the verbal coherence of the whole Bill. This committee reported on the 28th. Then the House, transferring Sir John Bourchier to the list of the dead Regicides, and also distinctly reiterating their vote that the dead Lord Grey of Groby's name should be omitted from the Bill, so that his representatives might not suffer in property, agreed, on the other hand, to recant one of their own former resolutions of mercy. Though they had voted for condoning Adrian Scroope, so far as to take him out of the list of exceptions in the Bill altogether, and allow him to escape with a mulct of one year's value of his estates, there had been such reports to them of private discourses of Scroope since the King's return, and such remonstrances with them on their extraordinary charity to him, that they now flung him overboard. They would not even return him among those who had surrendered themselves, but, by omitting him, reduced the number of such to exactly twenty. Even these, it seems, were too many for the Lords; for, when the Bill was carried up to them that day by sergeant Glynne, in the name of the Commons, as now complete, they requested yet another conference. At this conference they objected to two of the names. They objected to including Sir Hardress Waller among those to have the benefit of the saving clause, on the ground that he had "absented himself since his coming in." On explanation, they accepted *him*; but in the case of another of the twenty they were obstinate. This was John Carew. It was admitted that he had surrendered himself; but it was pointed out that he had done so *before* the Proclamation had gone out. The Commons could only return

to their own House to vote on the subject. For insisting that Mr. Carew should have the benefit of the saving clause in his peculiarly hard circumstances there were 70 votes, against 80 for leaving him to his fate. This concluded the whole business. It was still the 28th of August, and Mr. Holles was instructed to carry the Bill up again to the Lords as absolutely finished this time, and to request their Lordships to move his Majesty to come to their House and give his assent to it next day. Mr. Holles brought back word immediately that it should be so¹.

On Wednesday the 29th of August his Majesty did appear in the Lords, and, the Commons having been summoned, did give his assent to the Bill, and then address the two Houses in a speech concerning it and other matters. From that day, all not excepted in the "Act of Free and General Pardon, Indemnity, and Oblivion" might consider themselves safe and might breathe freely. It was even expressly provided in the Act that there should be penalties on any sheriff or other officer that should molest any person not excepted in the Act for anything pardoned or discharged in it, that for three years there should be penalties on the use of any words of reproach or disgrace "tending to revive the memory of the late differences," and that the construction of the Act in any dubious case should always be to the advantage of the accused. We may now, therefore, recapitulate the exceptions as expressed in the Act itself:—

I. FOUR DEAD REGICIDES EXCEPTED IN CHIEF :—These were Oliver Cromwell, Henry Ireton, John Bradshaw, and Thomas Pride, now enumerated in that order.

¹ Commons and Lords Journals of dates, and Parl. Hist. IV. 97—111 (with abstract of speeches in the Commons from a MS. Diary).

II. TWENTY MORE DEAD REGICIDES EXCEPTED :—They were Francis Allen, John Alured, Thomas Andrews, John Blakiston, Sir John Bouchier, Sir William Constable, Bart., Sir John Danvers, Richard Dean, Humphrey Edwards, Isaac Ewer, John Fry, Thomas Hammond, Thomas Horton, Sir Thomas Mauleverer, Bart., John Moore, Sir Gregory Norton, Bart., Peregrine Pelham, William Purefoy, Anthony Stapley, and John Venn. The “lands, tenements, goods, chattels, rights, trusts, and other the hereditaments” of these were to be subject to such “pains, penalties, and forfeitures” as should be expressed and declared by another Act of Parliament, which should also confirm the Attainder of the four already named.

III. THIRTY LIVING REGICIDES, WITH TWO UNNAMED, ABSOLUTELY EXCEPTED :—These comprised twenty-two of the Regicide Judges,—to wit, John Barkstead, Daniel Blagrove, John Carew, William Cawley, Thomas Challoner, Gregory Clements, Cornelius Holland, Miles Corbet, John Dixwell, William Goffe, Thomas Harrison, John Hewson, John Jones, John Lisle, Sir Michael Livesey, Nicholas Love, Edmund Ludlow, John Okey, William Say, Thomas Scott, Adrian Scroope, Valentine Walton, and Edward Whalley ; together with Daniel Axtell, Francis Hacker, John Cook, Andrew Broughton, Edward Dendy, William Hewlet, Hugh Peters, and those two persons “who, being disguised by frocks and visors, did appear upon the scaffold erected before Whitehall.” Hewlet and Peters, whether on their own account, or to stand for the two executioners in default of the real men, were huddled with the Regicides.

IV. NINETEEN LIVING REGICIDES EXCEPTED WITH A SAVING CLAUSE :—They were John Downes, George Fleetwood, Augustine Garland, Edmund Harvey, William Heveningham, Robert Lilburne, Henry Marten, Simon Mayne, Gilbert Millington, Isaac Pennington, Vincent Potter, Owen Rowe, Henry Smith, James Temple, Peter Temple, Robert Tichbourne, Sir Hardress Waller, Thomas Wayte, and Thomas Wogan. The saving clause ran that, whereas these persons had surrendered on the King’s Proclamation of June 6, wherein they had been named, and “do pretend thereby “to some favour, upon some conceived doubtful words in the said Proclamation,” it was part of the Act that, if they or any of them should be “legally attainted for the horrid treason and murther aforesaid,” then nevertheless their execution should be “suspended until his Majesty, by the “advice and assent of the Lords and Commons in Parlia-

"ment, shall order the execution, by Act of Parliament to be "passed for that purpose."

V. SIX MORE OF THE LIVING REGICIDES EXCEPTED, BUT NOT CAPITALLY :—These were the five judges deemed most culpable, for the part they had taken in the trial, though not present at the sentence nor signers of the death-warrant—to wit : James Challoner, Sir James Harrington, Sir Henry Mildmay, Lord Monson, and Robert Wallop, with John Phelps, one of the clerks of the Court. They were "reserved to such pains, penalties, and forfeitures, not extending to life," as might be settled by another Act.

VI. TWO REGICIDES EXCEPTED, BUT FOR INCAPACITATION ONLY :—These were John Hutchinson and Francis Lassels, neither of whom was to hold thenceforth any office of trust, civil or military, in the kingdom, and the second of whom, moreover, was to pay to the king "one full year's value of his estate."

VII. TWO NON-REGICIDES WHOLLY EXCEPTED :—These were Lambert and Sir Henry Vane. The agreement of the two Houses to petition for their lives was understood, but does not appear in the Act.

VIII. ONE NON-REGICIDE EXCEPTED, BUT NOT CAPITALLY :—This was Sir Arthur Hasilrig, reserved for "such pains, penalties, and forfeitures, not extending to life," as might be settled by another Act.

IX. EIGHTEEN PERSONS TO BE UNDER PERPETUAL BRAND OF INCAPACITATION :—These were :—among the Republicans and Oliverians of military note, Charles Fleetwood, John Desborough, William Sydenham, Ralph Cobbet, and Richard Creed ; with ex-Speaker Lenthall, Oliver St. John, Christopher Pack, Alderman John Ireton, William Burton, John Blackwell of Mortlake, Richard Keble, John Pyne, and Richard Dean, among civilians, and Thomas Lister and Sir Gilbert Pickering, transferred by grace from the list of Regicides ; and with Philip Nye and John Goodwin to represent the prime offenders among the Oliverian and Republican clergy. If any of them should accept or exercise any office of trust in England, Wales, or Berwick-on-Tweed, he was to forfeit all benefit of the Act, and might suffer capitally.

X. A DEFINITE NUMBER MORE INCAPACITATED BY DESCRIPTION, BUT NOT BY NAME :—These were all persons (Colonel Richard Ingoldsby and Colonel Matthew Tomlinson honourably excepted) by whose sentence or warrant in any pretended High Court of Justice since Dec. 5, 1648, any

one had been capitally condemned or executed. They were to be excluded for ever from all public offices and from sitting in Parliament.

XI. MISCELLANEOUS EXCEPTIONS :—There were to be excepted, moreover, all who had committed murders, piracies, or other great crimes, distinctly unconnected with the civil wars or politics; also all who had assisted “in the plotting, contriving, or designing of the great and heinous rebellion of Ireland”; also all offences committed “by any Jesuit, Seminary, or Romish priest whatsoever,” contrary to the statute of Elizabeth against such; also all menial servants of his Majesty who had sold or betrayed his secrets. Also, though there was to be the most general confirmation of all rights of property acquired by purchase, gift, or conveyance, through the troubles, this was not to apply to acquisition of lands of the king or queen, or of the lands of archbishops, bishops, deans, and deans and chapters. This last exception was in accordance with resolutions to which the Parliament had come independently while the Indemnity Bill was in progress. “Because, in the continued distractions of so many years and so many great revolutions,” the King had said in his Breda Declaration, “many grants and purchases of estates have been made to and by many officers, soldiers, and others, who are now possessed of the same, and who may be liable to actions at law upon several titles, we are likewise willing that all such differences, and all things relating to such grants, sales, and purchases, shall be determined in Parliament.” Accordingly, a “Bill of Sales” had been introduced into the Commons, which had occasioned stormy discussion (July 11), and was not yet perfected, but the purport of the proceedings in which, so far as they had gone, was that, while all Crown lands were to revert to the Crown without compensation, and arrangements would have to be made by the possessors of Church lands before they could retain them, other properties were to remain undisturbed¹.

Along with the great Indemnity Bill, his Majesty gave his assent to five other Bills. One was “An Act for a

¹ Statutes at Large: 12 *Caroli II*, Cap. XI. If the reader will refer to the two lists of the Regicide Judges already given—that of the Sentencers at p. 31, and that of those who had taken some other part in the Trial at p. 40—it will be found that every one in both lists is accounted for in the present abstract of the Bill, except John Dove in the second list. Though his case was kept under consideration in the Commons on June 9 (ante 42), he has now vanished altogether.

perpetual Anniversary Thanksgiving to be observed and kept on the 29th of May," the day of his Majesty's entry into London ; another was "An Act for the Confirmation of Judicial Proceedings," intended to prevent question of rights depending on decisions of law-courts under the late Governments ; a third was "An Act for the restraining the taking of excessive Usury," i. e. for limiting interest on borrowed money to six per cent. ; a fourth was a private Act for naturalising two foreigners ; and the fifth was "An Act for the speedy provision of Money for disbanding and paying off the Forces of this Kingdom both by Land and Sea." This last represents the progress that had been made in one department of the greatest question next to the Indemnity Bill, that had been occupying the Parliament hitherto, the question of Supply and Revenue.

It had been resolved to disband the Army and reduce the Navy to a few ships, so as to save a vast cost monthly ; but that could not be done without providing for payment of arrears. It was also intended that, whereas the revenue of the Crown in the time of Charles I. had been about £900,000 a year, about £250,000 of which came from illegal sources, or sources not now available, the present king's revenue should be £1,200,000 a year, and all valid ; but how to carry this intention into effect was no easy financial problem, and all that had been actually voted for Charles since he came in was a subsidy for life of the customs of tonnage and poundage. Meanwhile, for disbanding the Army and Navy, Parliament had reverted to the rough old device of a poll-tax,—every Duke to pay £100, every Marquis £80, every Earl £60, and so down to Esquires at £10 each, and thence again downwards to a shilling from

every labouring person over sixteen years, and sixpence from every one under that age, not a pauper. It was an Act embodying that proposal that had now been submitted to his Majesty along with the Indemnity Bill ; and the spirit in which his Majesty, or Hyde for him, received the Act appears from one of the passages in his speech. "For your Poll Bill," he said, "I do thank you "as much as if the money were to come into my own "coffers, and wish with all my heart that it may amount "to as great a sum as you reckon upon. If the work be "well and orderly done to which it is designed, I am "sure I shall be the richer by it in the end ; and, upon "my word, if I had wherewithal, I would myself help "you. . . . I am so confident of your affections that I "will not move you in anything that relates immediately "to myself ; and yet I must tell you I am not richer,— "that is, I have not so much money in my purse as "when I came to you. The truth is I have lived principally ever since upon what I brought with me ; which "was indeed your money, for you sent it to me, and I "thank you for it. The weekly expense of the Navy "eats up all you have given me by the Bill of tonnage "and poundage. Nor have I been able to give my "brothers one shilling since I came into England, nor "to keep any table in my house, but what I eat at "myself. And that which troubles me most is to see "many of you come to me at Whitehall and to think "that you must go somewhere else to seek your dinner." If this was written for his Majesty by Hyde, it contrasts oddly with Hyde's own account of the same subject written for posterity. "And thus the King's house," writes Hyde, immediately after describing the formation of the Ministry of which he was the head, "quickly

"appeared in its full lustre, the eating and drinking very "grateful to all men, and the charge and expense of it "much exceeding the precedents of the most luxurious "times, and all this before there was any provision of "ready money or any assignation of a future fund." He adds that tradesmen were ready to deliver their goods upon trust, and that Charles was plunging into his first year of debt most recklessly. The speech, however, may not have been written by Hyde ¹.

Next to the Indemnity question, that of Supply and Revenue, we have said, was the most important that had yet occupied the Parliament. On a still more vast and momentous question they had touched once or twice, but with little or no effect. This was the question of the Church.

The most enormous blunder of the Presbyterians in their Restoration of Charles had been in letting him in absolutely without conditions. The intention at first had been to negotiate with him at Breda or the Hague on the basis of some such conditions as those offered to his father in the Treaty of Newport in the Isle of Wight in 1648, preventing a return to Prelacy and securing the permanence of a Presbyterian Church-establishment. There can be little doubt that Charles, in his anxiety to recover his kingdoms, would then have assented to almost any terms whatsoever, leaving it to chance whether he should feel himself bound by them or not afterwards. But the hurricane of popular impatience at home, and Monk's advice at last, had swept aside the proposals of definite negotiation made by Matthew Hale

¹ Lords Journals of Aug. 29 and Commons Journals of Sept. 3; Phillips, 719-720 (Poll Bill); Parl. Hist. IV. 114-115; Clarendon, 1005-1006.

and others ; and, when Charles was in England, it was with no other pledge in Church-matters than was contained in one passage of his voluntary Declaration from Breda. "And, because the passion and uncharitableness of the times," said that document, "have produced several opinions in Religion, by which men are engaged in parties and animosities against each other,—which, when they shall hereafter unite in a freedom of conversation, will be composed, or better understood,—We do declare a Liberty to Tender Consciences, and that no man shall be disquieted or called in question for differences of opinion in matter of Religion which do not disturb the peace of the Kingdom, and that We shall be ready to consent to such an Act of Parliament as, upon mature deliberation, shall be offered to Us, for the full granting that Indulgence." It must have been a delight to Hyde to have been able to manage this difficulty of the Restoration in a manner so vague. Of all the King's counsellors, the exiled bishops included, not one had so firmly settled with himself as Hyde had done that the restoration of the King should involve the restoration also of Episcopacy and the Old Church of England in its fullest form. From this purpose he had never swerved, and it was a wonder to Lord Colepepper and others that he was so tenacious on a subject about which they were comparatively indifferent. As for Charles himself, there were reasons why he should view the matter differently from Hyde, even while taking Hyde's advice. Whether the Protestantism of the British Islands should be episcopal or non-episcopal can have been a question of small concern on its own intrinsic account to one who, for a year at least already, if not for six years, had been secretly a Roman Catholic. So

far as Hyde was aware of this fact, it must have added to his difficulties ; but it was a consolation that the King was not so much of a Papist after all, or of a religionist of any kind, as to go out of his senses for the Papacy, or for anything else that might be detrimental to his own interests. With such an easy crypto-Catholic on the throne, one might succeed in restoring that system of Anglican High Episcopacy, resting on the doctrine of the Apostolical Succession of Bishops, which the genuine Roman Catholics thought a worse abortion than Presbyterianism itself ¹.

Charles having come in without conditions, and with a positive intimation of his personal preference for episcopal forms, all that the Presbyterians could expect was what they now called a COMPREHENSION, i. e. the settlement of the Church in such a way that any Episcopacy to be set up in it should be a very limited Episcopacy indeed, like that sketched by Usher in his famous "Model" of 1641, abandoning the theory of Episcopacy by divine right, and reducing bishops to mere presidents of the synods of presbyters (Vol. II. pp. 229, 230). In this way they hoped that the great body of the Presbyterian ministers in Cromwell's Established Church might be able to remain within the Establishment, not bound to use the Liturgy or other ceremonies contrary to their consciences, while room for the readmission of such of the surviving old Anglican and Liturgical clergy as it might be necessary and proper to restore to their livings would easily be obtained by the

¹ Parl. Hist. IV. 17; Clarendon, 779; Burnet, I. 126—127 and 158, II. 449—451 and 471; Neal, IV. 231—236; Hallam, II. 344. There had been efforts to convert Charles to Roman Catholicism from the time of his first residence in France after his escape from the Battle of Worcester; and as early as June 1653 Hyde in Paris had been very anxious to contradict the rumours that Charles had changed his religion (see Macray's Calendar of Clarendon Papers, under date June 6, 1653).

ejection of the most troublesome of those Baptists or other Independents the conjunction of whom with the Presbyterians in the Church-Establishment had been only by Cromwell's will. About such sectaries there was not much concern among the Presbyterians. They had been accepted into the Establishment as very questionable brethren, and their ejection might be a good riddance now; or, if any provision was to be made for their future, it was to come in the form of a TOLERATION out of the Establishment, whereas the present question was COMPREHENSION, or the amicable blending of Episcopalians and Presbyterians within the Establishment. Towards this end there had been much fresh studying of Usher's Model, which indeed had been again a good deal before the public since 1658, when there was some notion that Cromwell himself might give effect to it, so as to incorporate some of the most reasonable of the old Anglican clergy with the other elements of the Church of his Protectorate, and give the somewhat chaotic aggregate the benefit of a moderate episcopal organization. There had also been much private consultation among the leading Presbyterians as to the possibility of reverting to the Thirty-Nine Articles, and to the Liturgy with certain amendments, and as to the ceremonies that might be left optional in worship. All was uncertain, however, till Charles, or Hyde and the Council for him, or the Parliament, should open the subject practically. Of the old bishops of the reign of Charles I. there were still alive these nine—William Roberts, Bishop of Bangor; William Pierce, Bishop of Bath and Wells; Henry King, Bishop of Chichester; Matthew Wren, Bishop of Ely; Accepted Frewen, Bishop of Lichfield and Coventry; William

Juxon, Bishop of London; Robert Skinner, Bishop of Oxford; John Warner, Bishop of Rochester; and Brian Duppa, Bishop of Salisbury. These, of course, had at once reassumed their titles, with claims to their sees; and it might be taken for granted that, if these claims were allowed, the remaining sixteen bishoprics, and the two archbishoprics, would soon be filled up, and that for these and other high ecclesiastical posts there would be a preference of eminent Anglicans who had been with the King abroad or had suffered for him at home. Dr. Henry Hammond had died April 25, 1660, the very day of the meeting of the Convention Parliament; but Sheldon, Sanderson, Morley, Earle, Hacket, Gunning, Brian Walton, and many others, had lived to see the Restoration, and were waiting for their rewards. It would be enough, or at least all within hope in the circumstances, if these men, taught by experience, would waive now any notion of Laudian Episcopacy, and be content with Usher's Model and a comprehension of the Presbyterians¹.

On the part of the King himself the first signs had been promising. Within a few weeks after his return, and chiefly by the management of the Presbyterian Earl of Manchester in his office of Lord Chamberlain, ten Presbyterian divines had been sworn in among his Majesty's chaplains: viz. Dr. Reynolds, Mr. Calamy, Mr. Ashe, Mr. Richard Baxter, Dr. Spurstow, Dr. Wallis, Dr. Bates, Dr. Manton, Mr. Case, and Mr. Woodbridge. Though only three of them were ever asked to preach before the King, and that only once each, their access to his Majesty was something. Before the end of June they had had an interview with him in the Earl of Man-

¹ Baxter's Autobiography, Book I. 214—218.

chester's lodgings, Chancellor Hyde and the Earl of St. Alban's being also present. There Baxter had spoken very freely to his Majesty. "I presumed to tell him," says Baxter, "that the late usurpers that were over us so well understood their own interest that, to promote it, they had found the way of doing good to be the most effectual means, and had placed and encouraged many thousand faithful ministers in the Church, even such as detested their usurpation . . . ; wherefore I humbly craved his Majesty . . . that he would never suffer himself to be tempted to undo the good which Cromwell or any other had done because they were usurpers that did it, or discountenance a faithful ministry because his enemies had set them up." Others spoke to the like effect; and the requests made to his Majesty were specifically these,—that things not necessary should not be made terms of membership of the Established Church, that sound Church-discipline should be maintained, and that neither should faithful ministers be cast out nor unworthy ministers thrust in. The King's answer, says Baxter, was as gracious as possible. He was glad to hear of the inclination of the Presbyterians to an agreement with the Episcopalian clergy; and it should not be his fault if the two parties were not brought together, for he was resolved to draw them together himself,—which "must not be," he said, "by bringing one party over to the other, but by abating somewhat on both sides and meeting in the midway." On hearing this old Mr. Simeon Ashe was so much overcome with joy that he burst into tears. The English Presbyterian chiefs, it is evident, had been tamed into thankfulness for very small mercies. Actually two of the Presbyterian agents at this conference, Calamy

and Spurstow, were old Smectymnuans of 1641, and a third Smectymnuan, Matthew Newcomen, was in their confidence. Stephen Marshall and Thomas Young, the other two Smectymnuans, were both dead¹.

But what part had the Parliament taken? That the House of Lords, with but a minority of Presbyterians in it, desired the full re-establishment of the old Episcopal forms, was a matter of course, and had been made evident by an order, on the 31st of May, that the prayers used in the House should thenceforward be those of the Liturgy. It was from the Commons House that measures for the express protection of Presbyterianism were to be expected. One such measure, brought in as early as May 9, and committed May 16, had been "a bill for continuing of ministers in their parsonages and ecclesiastical livings." That Bill seems to have been smothered by the King's approach; for on the 26th of May we read of an order reported by Prynne "touching quieting possession of ministers, schoolmasters, and other ecclesiastical persons, in sequestered livings, until they are legally evicted," and of the reference even of this order to a committee for farther consideration. Then, on the 27th of June, there was the first reading of a bill "for the maintenance of the true Reformed Protestant Religion;" and on this bill, after it had been read a second time and thrown into a grand committee of the whole House, there were two most eager and protracted debates in grand committee (July 9 and 16). In these debates Presbyterianism was criticised as it had not been in that House for many a day. Prynne and others spoke for it manfully, and even the Covenant was cited as an oath still obligatory; but a moderate Episcopacy after Usher's Model

¹ Baxter, I. 229—231.

was substantially the utmost prayer even of the Presbyterian speakers, Prynne included, while the Thirty-Nine Articles, the Liturgy, and High Episcopacy, found open advocates, and Finch hoped they were not to "cant after Cromwell" in this Bill, but to assume the good old Church of England as in uninterrupted legal possession at that moment. On the suggestion of Sir Anthony Ashley Cooper, it was agreed at last to recommend to the House to abstain from the difficult subject altogether in the meantime, and to refer it to his Majesty, with the advice of such a Synod of Divines as he might call. Accordingly, on the 20th of July, it was resolved by the House—(1) "That this House doth agree with the "Grand Committee that the King's Majesty be humbly "desired to call such a number of Divines as his Majesty "shall think fit, to advise concerning matters of Religion, "and that the Grand Committee do forbear to sit until "the 23rd of October next;" (2) "That the King's "Majesty be humbly moved that he will please, by his "proclamation, to quicken the execution of all laws in "force against the breaking of the Lord's Day, drunkenness, swearing, and other profaneness." Next day it was intimated by Mr. Holles that his Majesty had received the two votes, "liked them both very well," and wished the House to know, respecting the first especially, that "he was in hand with it, and did hope very speedily to do something therein to the good satisfaction of the kingdom." As Hyde had hoped and schemed, the whole question of the Church of the Restoration had been surrendered to his Majesty¹.

One part of the question was rapidly settling itself.

¹ Lords and Commons Journals of days named, save that the proceedings in Grand Committee of the Commons are from the extracts from a contemporary Diary given in Parl. Hist. IV. 79—84.

From abroad, or from their obscurities at home, the sequestered old Anglican clergy were reappearing in scores, clamant for redress, and taking possession of their former livings. Thus, by mere act of law, which there was no means of resisting, many of the Puritan ministers, Presbyterian or Independent, who had been for years in the Establishment, were already adrift from their parsonages and parishes. The same process was in operation very conspicuously at the two University seats. Armed by an order of the House of Lords of June 4, and backed by the King and Council, the Chancellors of the two Universities were ejecting heads of colleges and fellows, and restoring old heads and fellows, as fast as they could. At Oxford, where the Marquis of Hertford was Chancellor in succession to Richard Cromwell, nine heads and four professors were turned out in favour of the former holders of the posts; and at Cambridge the Presbyterian Earl of Manchester, as Chancellor, had the singular experience of ejecting seven heads, one of whom he had himself appointed in 1643, and restoring seven instead, of whom five had been turned out by himself at that date. Of the numbers of fellows restored and ejected in the colleges of the two Universities we cannot here take account. A remarkable accompanying phenomenon was the rush of new men at both Universities for graduation in all the faculties, and especially in Arts and Divinity. Quite a host of persons, one can see, were qualifying themselves for promotion to the places likely to be vacant¹.

The process here described, including appointments of Anglican divines to prebends and other cathedral posts, had begun in June 1660, had continued through

¹ Lords Journals of date; Neal, IV. 261—265; Wood's Fasti for 1660.

July and to the passing of the Act of Indemnity on August 29, and was not even then at an end. Petitions from the ejected and distressed Puritan clergy had been sent in to the Commons; and that House, while still abstaining, as by their former vote, from the general question of the future constitution of the Church, had thought it right to bring in another bill on the precise subject of the ejections and restorations (July 27), and to refer the petitions to the Committee on the Bill. This bill was still in progress in the House at the date of the King's assent to the Indemnity Bill¹.

What meanwhile of the King's own progress in the more general question which had been left wholly in his hands? His promise had been that he would bring the Presbyterians and the Anglicans together by mutual concessions. This promise, the handsomeness of which had moved Mr. Ashe to tears, he had proceeded to carry out in a peculiar manner. He had asked his Presbyterian chaplains to draw out on paper a list of the concessions they would make on their side; and these gentlemen, after consulting with such of their London brethren and country brethren as were at hand, and holding meetings on the subject at Sion College, had done as requested, and sent in an *Address and Proposals* to his Majesty. While disclaiming Prelacy as it had been repudiated in the Covenant, they were willing to accept "the true ancient and primitive Presidency" in the Church, "as it was balanced and managed by a due commixture of presbyters;" and they tendered Usher's Model, exactly as it stood, as one that would suit the circumstances, venturing at the same time on some criticisms on the

¹ Commons Journals of July 27 and thence to Aug. 14.

old Prelacy. They professed themselves satisfied with the lawfulness of a Liturgy, if not too rigidly imposed, so as to supersede oral prayer entirely; but they took exceptions to the old Liturgy, and desired a new one, or a careful revision of the old. They pleaded for moderation in ceremonies generally, for respect for the scruples of those who might object to kneeling at the sacrament of the Lord's Supper and to holidays of human appointment, and for prohibition of the use of the surplice, the cross in baptism, and bowing at the name of Jesus. Requests made to the King at the same time were that he would not meanwhile impose tests or subscriptions on holders of benefices as conditions of their remaining in the Church, that he would stay the putting in of new men into livings the former holders of which were dead, and which might now therefore be held by their Puritan possessors without injury to old rights, and that he would provide some remedy against the return to livings of men notoriously insufficient or scandalous. Such were the demands of the Presbyterians, reduced to the utmost. Great was their surprise when, instead of receiving in return, as they had expected, a similar paper drawn up by the Episcopal divines on the same principle of conceding as much as possible on that side, they received only a paper of severe criticisms on their own, assuming High Episcopacy as indubitably in the right, and incapable of making concessions, unless it might be perhaps in the matter of some revision of the Liturgy, and some relaxation of ceremonies to tender consciences at his Majesty's pleasure. A defence of their former proposals was offered by the Presbyterian ministers in reply; and so, about the time of the passing of the Act of Indemnity, the paper controversy came to a stop. His Majesty,

it seems, had failed so far in his attempt to bring the two parties together¹.

From the date of the passing of the Indemnity Bill (August 29) Parliament was quickened in its proceedings on other subjects by an intimation from the King that, for his convenience and theirs, the two Houses would have to adjourn themselves for a recess or vacation within a fortnight. Their time being thus limited, they confined themselves to the business deemed most essential.

Due note had been taken of the King's hint, in his speech on passing the Indemnity Bill, that some more money at once for himself and his brothers would be very welcome. The Houses had already been considering the jointure of the Queen-mother, and had made her a present of £20,000; and now they voted £10,000 more to the Duke of York, £7000 more to the Duke of Gloucester, and £5000 for repairs of his Majesty's houses. The vaster business of providing securely a future annual revenue of £1,200,000 for the King occupied much of the attention of the Commons; but, as it involved some difficult questions, and especially that of the proper mode of raising so much of the sum as had hitherto come from unconstitutional prerogatives which his Majesty was now expected to resign, it was found impossible to perfect arrangements before the recess, and the Houses had to content themselves with a Bill providing an immediate supply of £100,000 on account. The provision of means for disbanding the army and reducing the navy had, however, been thoroughly managed. The poll-tax formerly imposed for this

¹ Baxter, I. 231—259 (where the papers are given).

purpose not having been sufficiently productive, a bill for otherwise raising £140,000 towards the sum required was pushed through the two Houses. Another Act of importance now completed was "An Act for the encouraging and increasing of Shipping and Navigation": in other words, a new edition, with modifications, of the famous Navigation Act of the Commonwealth (see Vol. IV. p. 305). Finally the Houses did at length shape "An Act for the Confirming and Restoring of Ministers." It enacted, on the one hand, that every holder of a benefice that had been "ordained by any ecclesiastical persons" before Dec. 25, 1659, and had not renounced his ordination, should remain in possession of his benefice, provided there were no "formerly ejected or sequestered" ministers still alive with a legal title to that benefice; but it enacted, on the other hand, that all such "formerly ejected or sequestered" ministers still surviving, unless found scandalous or insufficient, should re-enter in the possession of their benefices, a division of the profits of the last year of each benefice to be made between the outgoing minister and the restored one. There were, however, some important exceptions and provisos. One was that any presentations to benefices by his Majesty himself under the great seal between May 1 and September 9, 1660, should hold good on their own account, whoever might be in possession, or have title otherwise; and another was that no minister should be confirmed in possession or restored to possession who had subscribed any petition to bring the late King to trial, or had, by writing, preaching, printing, or otherwise, advocated or justified his trial, or who had, by writing, preaching, or practice, "declared his judgment to be against Infant Baptism." Though

made applicable nominally on both sides, these exceptions, it will be seen, affected really only one side. Not only were all ministers of the Establishment standing in the places of old incumbents still living to be thrown out of their benefices, but the Establishment was to be cleared of all Anabaptists, and also of such Independents as had been very prominently Republican¹.

With these and one or two smaller bills ready, the Lords and Commons again met his Majesty on Thursday, the 13th of September. He then gave his assent to the bills, and, after addressing the two Houses briefly himself, called upon Chancellor Hyde to address them more at large. Hyde's speech on the occasion was thought one of his masterpieces.—He dwelt first on that approaching disbandment of the army which one of the money bills had provided for, and took the opportunity of paying the most splendid compliments to the Army. "No other prince in Europe," he said, "would be willing "to disband such an army,—an army to which victory "is entailed, and which, humanly speaking, could hardly "fail of conquest wheresoever he should lead it; "an army whose order and discipline, whose sobriety "and manners, whose courage and success, hath made "it famous over the world; an army of which the King "and his two Royal brothers may say, as the noble "Grecian said of *Æneas*,—

‘*Stetimus tela aspera contra,
Contulimusque manus : experto credite quantus
In clypeum assurgat, quo turbine torqueat hastam.*’”

Knowing that this army, whose valour his Majesty had observed with such admiration, even when it was exerted

¹ Commons and Lords Journals of date ; Statutes at Large (for the Navigation Act and Ministers' Act).

against himself, was now thoroughly loyal, and thinking what wonders he and his brothers might themselves perform at its head, how could his Majesty disband it without reluctance? How could he part with such soldiers? "No, my lords and gentlemen, he will never part with them; and the only sure way never to part with them is to disband them."—After this rhetorical audacity, the Chancellor went back upon the Indemnity Bill, as, though passed a fortnight before, still in all men's minds. He reminded them of the clause of that Bill making it penal to use even words of reproach or mutual invective tending to revive the memory of the late differences; and he made this the text of a discourse on the moral significance of the Bill, over and above the mere securities it decreed for life and property. "As any name or names, or other words of reproach, are expressly against the *letter*, and punishable accordingly, so evil and envious looks, murmuring and discontented hearts, are as directly against the *equity* of this statute, a direct breach of the Act of Indemnity, and ought to be punished too; and I believe they may be so. You know kings are in some sense called gods, and so they may in some degree look into men's hearts; and God hath given us a King who can look as far into men's hearts as any prince alive. And he hath great skill in physiognomy too; you would wonder what calculations he hath made from thence; and, no doubt, if he be provoked by evil looks to make a further inquiry into men's hearts, he will never choose those hearts to trust and rely upon. He hath given us a noble and princely example, by opening and stretching his arms to all who are worthy to be his subjects, worthy to be thought Englishmen,—by extending his heart with a pious and grateful joy

“to find all his subjects at once in his arms and himself
 “in theirs; and shall *we* fold our arms towards one
 “another, and contract our hearts with envy and malice
 “to each other, by any sharp memory of what hath been
 “unneighbourly or unkindly done heretofore? What is
 “this but to rebel against the person of the King, against
 “the excellent example and virtue of the King, against the
 “known law of the land, this blessed Act of Oblivion?
 “My lords and gentlemen, the King is a suitor to you,
 “makes it his suit very heartily, that you will join with him
 “in restoring the whole nation to its primitive temper and
 “integrity, to its old good manners, its old good humour,
 “and its old good nature.”—Having dilated somewhat
 further on this theme, and expressed his hope that in the
 merry England now beginning again piety would no
 longer consist in sour looks, morose manners, affected
 gestures, or sighs and sad tones, and having touched on
 some of the other Bills of that day, Hyde concluded his
 long speech. The two Houses then adjourned themselves,
 by his Majesty's desire, to the 6th of November. At the
 moment of the adjournment the young Duke of Gloucester
 was lying ill of small-pox in Whitehall. He was not
 thought to be in danger, but before the day was over he
 was dead ¹.

Through the eight weeks of the recess (Sept. 13—
 Nov. 6) we see Charles in the first full practice and
 enjoyment of his Royalty.

The Duke of York was now the nearest supporter of
 the throne; but, when the widowed Princess of Orange
 came from the Hague to live with her two brothers

¹ Lords and Commons Journals, Sept. 13, and Parl. Hist. IV. 122—130 (the
 King's speech and Hyde's given in full in all these places); Pepys, under date.

(Sept. 25) and Prince Rupert followed (Sept. 29), and still more when the queen-mother, Henrietta Maria, arrived from Paris, "a very little plain old woman," on her first visit to England since she had left her husband to his fate there in Feb. 1641-2, and when there came with her the pretty young Princess Henrietta, and Prince Edward, the younger brother of Prince Rupert (Nov. 2), there might be said to be about the King something of a Royal Family. In domestic respects, it is true, it was not a Royal Family above criticism, if one were a very severe moralist. The King had already had five acknowledged natural children, born to him abroad by three different mothers; and the eldest of these, born at Rotterdam in 1649, the son of Lucy Waters or Barlow, was now at home in Whitehall, a handsome and spirited boy of eleven, much petted by his father and all the rest, and bearing for the present the name of James Crofts, though afterwards to shine out as James Fitzroy, Duke of Monmouth. Then, no legitimate wife having yet been provided for Charles, the chief substitute meanwhile was Mrs. Palmer, originally Barbara Villiers, daughter of William, Viscount Grandison, of the Irish peerage, but married to a Roger Palmer, Esq., an Irish gentleman, who was, conveniently or inconveniently, still alive; and this Mrs. Palmer, reputed "the most beautiful woman in all England," was openly and constantly about Charles in Whitehall, amid bishops and chaplains there, and might even be seen flirting most unbashfully with the Duke of York in the royal chapel itself through the hangings that separated the royal pew from that of the ladies. Nor was the Duke of York immaculate. Not to go too far back in his life, he was now, by secret marriage in England, the husband of one of Chancellor Hyde's

daughters, after having been her virtual husband for some time abroad ; and, the secret having just come out, the question everywhere was whether he would acknowledge Miss Hyde or prefer novelty. Farther, the little dark-faced Queen-mother herself was supposed to be not without a secret husband either,—the Henry Jermyn, now Earl of St. Alban's, who constantly accompanied her, and by whom it was said ("how true, God knows!" adds Pepys charitably) she had had a daughter in France at some unknown date. Rumour maintained, moreover, that a younger Henry Jermyn, the nephew of this Earl of St. Alban's, and master of horse to the Duke of York, was secretly married or engaged to the Princess of Orange, the eldest of the royal sisters, then in her twenty-ninth year, and the mother already of the Dutch boy who was to be famous as William III. Positively, the only one of the Royal Family about whom there was no scandal was the pretty young Princess Henrietta, sixteen years old, for whom her mother was providing a match in France. Altogether, the surviving representatives of Charles I. could not be called models of the special virtue of domestic propriety. But what then? The age of Puritanism was past ; if all were known, how much of the vaunted domestic propriety of that age, and that even in the highest quarters, might be exposed now as mere hypocrisy and concealment ; in all lands and times there had been a little liberty, more than the strictly canonical, for royal personages ; and what was a little indecorum at the centre, if such there must be, in comparison with the universal blessings of a restored monarchy and restored Church of England, the deliverance of the whole nation from a reign of cant and rigidity, and the chance of that free flow once more, which Hyde

had so eloquently invoked, of all the native old English humours, all the old English joviality?

So reasoning or not, Charles and those about him were setting the example. What an easy and mirthful Court, with all its state and magnificence! What banqueting and abundance of wine, what dancing, what delightful mixing of the sexes, what flashing of wit and jest between ladies and gentlemen, or among the gentlemen by themselves on stronger topics; what visiting and receiving of visits; what walks in the parks and suburban parties of pleasure; what fine regularity of alternation from chapel and sermon on Sundays, properly conducted and with good music, to one or other of the re-opened theatres on week-day afternoons! These were managed in a style far excelling anything Davenant had ventured on in Cromwell's time; for they were reproducing regular old plays, by Shakespeare, Beaumont and Fletcher, and Ben Jonson, and were actually beginning to bring women on the stage, instead of boys, for the female parts¹.

Besides the stationary courtiers of the household, always round Charles, there was the whole restored peerage of England, to be at his beck when he held full Court or would make a choice of guests for his greater entertainments. That body had been counted on the 31st of July and had been found then to consist of 139

¹ Peerage Books; Pepys, *passim* from May to December 1660, with some subsequent passages; Note of Lord Dartmouth to Burnet, I. 292—293; Evelyn's Diary, at contemporary dates, and also under Aug. 18, 1649 and July 15, 1685. Under the former date Evelyn, recording one of the incidents of his stay in France after the execution of Charles I, writes, "I went to St. Germain's to kiss his Majesty's hand: in the coach, which was my Lord Wilmot's, went Mrs. Barlow, "the King's mistress and mother of the Duke of Monmouth, a brown, beautiful, "bold, but insipid creature." Under the second date, speaking of Monmouth, he says, "His mother, whose name was Barlow, daughter of some very mean "creatures, was a beautiful strumpet, whom I had often seen at Paris; she died "miserably, without anything to bury her." Charles, we are elsewhere told, found, after his return to the continent on his escape from Worcester, that she had been "behaving loosely" in his absence, and threw her off.

persons, spiritual peers not yet included. Six of them were Dukes, one a minor; six were Marquises; fifty-nine were Earls, five of them minors; seven were Viscounts; and the rest were Barons. Then, of the existing House of Commons as originally returned, all that were still members on the 11th of June, to the number of no fewer than 454, had taken the oaths of supremacy and allegiance, and were available for attendance at Court, so far as his Majesty might countenance commoners. Add the baronets and knights of England, whether in the House of Commons or not, forming a large class intermediate between the peers and the mere commons; and remember how many of these knights and baronets, as of recent creation by Charles himself, were bound in an especial manner to be courtiers. Monk's brother-in-law Clarges, knighted at Breda, had been but the first of a long series of Restoration knights. A large number of knighthoods had been conferred at the Hague among those that had gone thither to salute Charles and be of his convoy back in Montague's fleet; and two of these Hague knighthoods had fallen to the two meanest of the recreant Oliverians, Morland and Downing, in reward for their perfidy. Of the baronetcies and knighthoods that had been conferred by Charles since his arrival in England a reckoning is hardly possible. At Canterbury, besides Secretary Morrice, there had been knighted Major-General Massey, Alderman Robinson, and five others; and in London hardly a week had passed without additions. Naturally, among those thought worthy of knighthood or baronetcy were the lawyers that had been put into the chief judicial or ministerial offices at the beginning of the new reign; and so such of these as had not been titled already now wore titles. The *Chief*

Baron of the Exchequer was Sir Orlando Bridgman ; the *Judges of the Common Pleas* were Sir Robert Foster and Sir Henry Hyde ; a *Judge of the King's Bench* was Sir Thomas Mallet ; the *Attorney General* was Sir Geoffrey Palmer, and the *Solicitor General* Sir Heneage Finch. Beyond the circle of these official persons, and of the courtiers of all other ranks and denominations, was the great community of London and Westminster, related to the Court more distantly, but still sufficiently, by the honour of being butchers, bakers, tailors, and what not, to his Majesty or others of the Royal Family, or to the household and courtiers, or merely by the pride of having real Royalty and a real Royal Court once more in the midst of them, and the privilege of watching in the streets or in the parks for a sight of the royal faces, the dresses, and the equipages.

A selected portion of the general community did have closer access to his Majesty. One of the unspeakable blessings of the Restoration was the re-introduction into England of the sovereign cure for scrofula or the king's evil. Hundreds and thousands, it seems, not only in London, but all over the country, were deeply interested in the fact ; for on Monday the 2nd of July there had been the solemnity at Whitehall of the first of those touchings for the king's evil which were thenceforth to be one of the institutions of the reign. "The kingdom "having for a long time, by reason of his Majesty's "absence," says a London newspaper of that week, "been troubled with the evil, great numbers have lately "flocked for cure. His Sacred Majesty on Monday last "touched 250 in the Banqueting House ; amongst whom, "when his Majesty was delivering the gold, one shuffled "himself in, out of an hope of profit, which was not

“stroked,—but his Majesty presently discovered him, “saying ‘*This man hath not yet been touched.*’ His Majesty hath, for the future, appointed every Friday “for the cure ; at which time 200 and no more are to be “presented to him : who are first to repair to Mr. Knight, “his Majesty’s chirurgeon (living at the Cross Guns in “Russell Street, Covent Garden, over against the Rose “Garden), for their tickets.” Evelyn, who was present at the second touching, on Friday the 6th of July, describes the ceremony in detail. “His Majesty sitting “under the state in the Banqueting House,” says Evelyn, “the chirurgeons cause the sick to be brought or led up “to the throne, where, they kneeling, the King strokes “their faces or cheeks with both his hands at once ; at “which instant a chaplain in his formalities says ‘*He put “his hands upon them, and he healed them.*’ This is said “to every one in particular. When they have been all “touched, they come up again in the same order ; and “the other chaplain, kneeling and having gold angels “strung on white ribbon on his arm, delivers them one “by one to his Majesty, who puts them about the necks “of the touched as they pass, whilst the first chaplain “repeats, ‘*This is the true Light who came into the world.*’ “Then follows an epistle (as at first a gospel), with the “liturgy prayers for the sick with some alteration, lastly “the blessing ; and the Lord Chamberlain and Comptroller of the Household bring a basin, ewer, and towel, “for his Majesty to wash.” Friday after Friday, unless there had been notice to the contrary, his Majesty had undergone this trouble for the good of his subjects, the chaplains assisting ; and the practice was continued during the recess of the Parliament¹.

¹ Lords Journals of July 31 (where ninety-three peers are entered as present

One important business of the recess was the disbanding of the Army. The business, which was managed by commissioners of the two Houses, was necessarily a gradual one; but on the 8th of October Secretary Nicholas could write, "The Army is almost wholly disbanded, everywhere expressing much affection for the King." We learn independently that fifteen regiments of foot and four regiments of horse in England, with one horse-regiment and two foot-regiments in Scotland, besides garrisons in both countries, and six ships of war, *were* paid off about this time, leaving only a remnant of regiments and garrisons, but as many as nineteen ships, to be similarly treated when more money should be in hand. Actually, we may say, it was during this recess of the Convention Parliament that the great Puritan Army of the English Revolution, about 40,000 strong to the last, was dissolved and disappeared. With all the changes in its substance in the course of eighteen years, including Monk's recent discharges from it of discontented Anabaptists and Republicans by scores and hundreds, there must have still been in it not a few veterans of Marston Moor, Naseby, Preston, Dunbar, and Worcester, with grim thoughts and recollections in their hearts as they now left their colours finally, and carrying these thoughts and recollections, with their old swords, to many families and firesides over England. Their quiet and gradual dispersion was a relief. Thenceforth the only authorized nucleus of a standing army to be left in England was to consist of three regiments of horse—Monk's own Cold-

that day and the names of forty-six absent peers are noted); Commons Journals of June 11 (when there was a report from Frynne of the number that had taken the oaths); Pepys's Diary, May 13 and 22, 1660 (knighthoods of Morland and Downing); Phillips, 711; *Public Intelligencer* for July 2—9, 1660; Evelyn's Diary under date.

stream regiment and two others—kept up, out of the King's own revenue, under the name of Guards¹.

While the disbanding of the Army was in progress, London was in commotion with the Trials of the Regicides. The Court for the purpose consisted of thirty-four Commissioners under the great seal. Among these were Lord Chancellor Hyde, the Dukes of Albemarle and Somerset, the Marquis of Ormond, the Earls of Southampton, Lindsey, Manchester, Dorset, Berkshire, and Sandwich, Viscount Say and Sele, Lord Roberts, Lord Finch, Sir Anthony Ashley Cooper, Sir Harbottle Grimstone, Mr. Denzil Holles, Mr. Arthur Annesley, Secretaries Nicholas and Morrice, and the Lord Mayor of London; but the managing portion of the Court consisted of Chief Baron Sir Orlando Bridgman, and ten other judges and lawyers, among whom was Mr. Sergeant Hale. Attorney General Sir Geoffrey Palmer, Solicitor General Sir Heneage Finch, and Sir Edward Turner, Attorney to the Duke of York, were the chief prosecuting counsel. The mode of procedure had been carefully arranged, and rules made for every emergency. Especially it had been agreed that the proceedings should be founded on a famous Statute of Edward III, defining treasons, and making one of them to consist in "compassing or imagining the death of our Lord the King" (*"quant homme fait compasser ou imaginer la mort nostre Seigneur le Roi"*).

First, on Tuesday, October 9, came *The Indictment*. The place was Hick's Hall, Clerkenwell, the sessions

¹ A summary account of the disbanding is given by Phillips (728) and Hallam (II. 314—315); but details will be found in the Commons Journals—especially under dates Sept. 13, Nov. 6, and Nov. 23. The process, though far advanced in the recess, was not complete till Feb. 1660—1.

house of the County of Middlesex. There Chief Baron Bridgman delivered his charge to a grand jury of twenty-one persons, expounding to them the Law of Treason. "By the statute of the 25th of Edward III," he said, "it is made high treason to compass and imagine the death of the King. It was the ancient law of the nation. In no case else was imagination or compassing, without an actual effect of it, punishable by our law; . . . but, in the case of the King, his life was so precious that the intent was treason by the common law, and declared treason by this statute. . . . This compassing and imagining the cutting off the head of the King is known by some overt act. Treason is in the wicked imagination, though not treason apparent; but, when this poison swells out of the heart, and breaks forth into action, in that case it is High Treason. Then what is an overt act of an imagination or compassing of the King's death? Truly, it is anything which shows what the imagination is. Words, in many cases, are evidences of this imagination; they are evidences of the heart. . . . So, if a man, if two men, do conspire to levy war against the King, . . . then, I say, in case not only of words, but if they conspire to levy war against the King, there is another branch of this statute: the levying of war is Treason. But, if men shall go and consult together, and this to kill the King, to put him to death, this consultation is clearly an overt act to prove imagination or compassing of the King's death. But what will you say then if men do not only go about to conspire and consult, but take upon them to judge, condemn, nay put to death, the King? Certainly, this is so much beyond the imagination and compassing, as it is not only laying the cockatrice's egg,

"but brooding upon it till it hath brought forth a serpent. I must deliver to you, for plain and true law, that no authority, no single person, no community of persons, not the people collectively or representatively, have any coercive power over the King of England." Whether this was law or not, some of Chief Baron Bridgman's colleagues on the bench must have felt that he was going unnecessarily far for the occasion and uncomfortably far for them: e. g. Monk, the Earl of Manchester, Holles, and Annesley, all of whom might deny having ever "compassed or imagined the death of the King," but none of whom could deny having been engaged, as Parliamentarians, in "coercing" him and "levying war" against him. But Bridgman had now the opportunity of laying down his own notion of the law, and he would not miss it. He went on, by citations of cases and statutes, to argue that the absolute authority of kings and the passive obedience of subjects in all cases was the ultimate doctrine of the Law of England. "God forbid," he exclaimed at the end of this part of his charge, "I should intend any Absolute Government by this. It is one thing to have an Absolute Monarchy: another thing to have government absolutely without laws as to any coercive power over the person of the King." The distinction is not very obvious; but the phrase "*God forbid!*" was characteristic of Bridgman whenever he was in the difficulty of having to make an admission and nullify it at the same time. It was to come from his lips often enough in the course of the trials. Meanwhile his charge was convincing in the main. The grand jury found the Bill of Indictment to be a true bill against the twenty-eight persons named in it.

The next day, Wednesday, Oct. 10, came *The Arraignment*. It was in the sessions house in the Old Bailey at Newgate. The prisoners had been conveyed thither from the Tower that morning in coaches, with a strong guard of horse and foot. The whole day was spent in bringing the prisoners into Court in successive batches, and compelling them individually to plead Guilty or Not Guilty. *Compelling*, we say; for, naturally, the prisoners, having no counsel, and having various pleas in bar of judgment, wished to state their pleas at the outset, whereas the Court insisted peremptorily that all such pleas should be postponed and that every one of the prisoners should begin with a simple *Guilty* or *Not Guilty*.—The difficulty was greatest with the first batch brought in, consisting of Sir Hardress Waller, Thomas Harrison, and William Heveningham. It had been arranged to take Sir Hardress Waller first, as the likeliest to yield. Being one of those, however, who had come in on the Proclamation, he tried hard for some time to obtain a hearing on that and other points; but, being constantly interrupted by the Court and held to the inevitable alternative, he sank gradually, through a kind of experimental *Not Guilty*, and then an intermediate “I dare not say *Not Guilty*,” into “I must say *Guilty*.” He was therefore registered as confessing. Next came Harrison, magnanimous Harrison, for whom there was no hope whatever. “My lords, have I liberty to speak?” he said at once; and then, against the interruption of the Court, repeated and repeated as he tried to go on, he battled bravely. He had been in prison nearly three months, he said, seeing nobody; he had not known that his trial was coming on till nine o'clock last night, and had been brought from the Tower at six

o'clock in the morning ; he had various things to urge, such as counsel might have urged for him ; would not the Court itself advise him in the circumstances? Told at last that, if he did not plead, he would be entered as standing mute, which was the same thing as judgment against him, "Then I do plead *Not Guilty*," he said with some passion. According to the formality then in use, the next question to him was "How will you be tried?" On this Harrison fought again. Instead of answering "By God and my Country," which alone could be accepted, he answered first, "I will be tried according to the laws of the Lord." Informed that the phrase would not do, he altered it to "I put myself upon what you please to put me upon." Then, on being told that he would still be entered as standing mute unless he followed up his plea of *Not Guilty* with the exact phrase prescribed, he offered the modification "I will be tried according to the ordinary course." The Clerk then said decisively "Whether by God and the Country? : you must speak the words." "They are vain words," said Harrison, and was going on to explain why ; but, the Court being resolute, and the question "How will you be tried?" having been put for the fourth time by the Clerk, there came for final answer "I do offer myself to be tried in your own way, *by God and my Country*." That was sufficient ; and, the Clerk having pronounced the customary "God send you a good deliverance!", Harrison's turn was over. Heveningham, who had seen what had happened with Waller and Harrison, gave no trouble. He pleaded *Not Guilty* at once, added the proper formula, and had the usual "God send you a good deliverance!" from the mouth of the Clerk.—The next batch arraigned consisted of Isaac Pennington, Henry

Marten, Gilbert Millington, Robert Tichbourne, Owen Rowe, and Robert Lilburne ; the next of Adrian Scroope, John Carew, John Jones, Thomas Scott, Gregory Clements, and John Cook ; the next of Edmund Harvey, Henry Smith, John Downes, Vincent Potter, and Augustine Garland ; and the last and fifth of George Fleetwood, Simon Mayne, James Temple, Peter Temple, Thomas Wayte, Hugh Peters, Francis Hacker, and Daniel Axtell. Some of these tried to speak and made delays, as Waller and Harrison had done ; but the majority obeyed the Court at once, or after a mere word or two. The only incidents of peculiar note were when Henry Marten and Hugh Peters were severally arraigned. "I desire the benefit of the Act of Oblivion," said Marten, to the surprise of the Court. When told he was totally excepted out of that Act, he declared that his name was not in the Act at all. The Act was produced, and he was shown his name in it among the rest. He acknowledged that he saw a "Henry Martyn" named there, but said he was not that person, for his name was "Harry Marten," spelt with an *e*. The objection was overruled, and the wittiest of the Regicides had to trust to his other chance, in being one of those that had come in on the Proclamation. There was no such chance for Hugh Peters, who had avoided capture till about a month before ; and his appearance seems to have been a signal for mirth. When asked to plead *Guilty* or *Not Guilty*, his answer was, "I would not for ten thousand worlds say I am guilty : I am *Not Guilty* ;" and then, when he was asked the next question, "How will you be tried?" and answered "By the Word of God," the people laughed. But he rectified his answer submissively when the legal formula was given him.—Altogether,

of the twenty-eight who had been arraigned, twenty-six had pleaded *Not Guilty*. Only George Fleetwood, in addition to Waller, had pleaded *Guilty*. In both these cases the plea had been first entered as *Not Guilty*, but that plea had been withdrawn by permission of the Court.

So far, therefore, there were twenty-six Regicides to be tried. The number, however, was raised to twenty-seven by the addition of William Hewlet, the man supposed to have been one of the two executioners. He was separately indicted on the 12th, and was arraigned on the 15th, when he pleaded *Not Guilty*. The trials had then already begun. They extended over five days in all,—Thursday, Oct. 11, Friday, Oct. 12, Saturday, Oct. 13, Monday, Oct. 15, and Tuesday, Oct. 16, 1660.

On the first of these days, Harrison, Scroope, Carew, Jones, Clements, and Scott, were brought to the bar together, but only Harrison was tried. After he had challenged jurymen to the full number allowed him, a jury of twelve was formed. The charge was propounded more especially by Solicitor General Sir Heneage Finch. In his speech, after due exposition of the hideousness of the crime of regicide, especially in the case of so “blessed and beloved a prince” as Charles I., he proceeded to say that, of the actors in this crime, many were dead, a few were penitent and had been guaranteed their lives, about eighteen or nineteen had fled, “with the mark of Cain upon them,” and twenty-nine remained to abide justice. Among these, Harrison, he said, on all accounts, deserved pre-eminence; for, if any one still alive might be “styled the conductor, leader, and captain, of all this work,” Harrison was the man. Witnesses were then called. There was no difficulty whatever in the proof.

It was proved that Harrison had commanded the party that brought the King from Hurst Castle to Windsor, that he had brought him from Windsor to Westminster for his trial, that he had been one of the most constant at the trial and one of the sentencing judges, and that he had signed the death-warrant. The only interest lies in Harrison's own demeanour after the evidence had been given. "My lords," he said, "the matter that hath been offered to you, as it was touched, was not a thing done in a corner. I believe the sound of it hath been in most nations. I believe the hearts of some have felt the terrors of that presence of God that was with His servants in those days, howsoever it seemeth good to Him to suffer this turn to come on us. . . . I have desired, as in the sight of Him that searcheth all hearts, whilst this hath been done, to wait, and receive from Him convictions upon my own conscience; and, though I have sought it with tears many a time, and prayers over and above to that God to whom you and all nations are less than a drop of water, to this moment I have received rather assurance of it, and that in the things that have been done, as astonishing on the one hand, I do believe ere long it will be made known from Heaven there was more from God than men are aware of. I do profess that I would not offer of myself the least injury to the poorest man or woman that goes upon earth. That I have humbly to offer is this to your lordships:—You know what a contest hath been in these nations for many years. Divers of those that sit upon the bench were formerly as active ——." Here the Court interrupted, forbidding that vein of remark. Harrison, not insisting on it, resumed. "I followed not my own judgment," he said;

"I did what I did as out of conscience to the Lord.
"For, when I found those that were as the apple of
"mine eye to turn aside, I did loathe them, and suffered
"imprisonment many years, rather than to turn as many
"did that did put their hands to this plough. I chose
"rather to be separated from wife and family than to
"have compliance with them, though it was said, 'Sit at
"my right hand,' and such-kind expressions. Thus I
"have given a little poor testimony that I have not been
"doing things in a corner, or from myself. May be I
"might be a little mistaken ; but I did it all according
"to the best of my understanding, desiring to make the
"revealed will of God in His holy scriptures as a guide
"to me. I humbly conceive that what was done was
"done in the name of the Parliament of England, that
"what was done was done by their power and authority ;
"and I do humbly conceive it is my duty to offer unto
"you in the beginning that this court, or any court below
"the High Court of Parliament, hath no jurisdiction of
"their actions. Here are many learned in the law ;
"and, to shorten the work, I desire I may have the help
"of counsel learned in the laws, that may in this matter
"give me a little assistance to offer those grounds that
"the law of the land doth offer." He reiterated this
demand in a sentence or two, and was proceeding,
"Whereas it hath been said we did assume and usurp
"authority, I say this was done rather in the fear of the
"Lord," when Chief Baron Bridgman broke in, "Away
"with him ! Know where you are, Sir : you are in the
"assembly of Christians ; will you make God the author
"of your treasons and murders ?" Then ensued a con-
versation on the prisoner's demand for counsel, Harri-
son repeating it, but judges and counsel unanimously

agreeing that it could not be granted, and Annesley and Holles in particular reminding the Court at some length that the Parliament whose authority Harrison pleaded had not been a complete Parliament, but only one House, and that reduced to a fragment of itself by the violent exclusion of many of the members. It having been intimated to Harrison that his demand for counsel was overruled, the scene was as follows:—" *Harrison*. "Notwithstanding the judgment of so many learned ones that the kings of England are noways accountable to the Parliament, the Lords and Commons in the beginning of this War having declared the King's beginning war upon them, the God of Gods —. " *Court*. Do you render yourself so desperate that you care not what language you let fall? It must not be suffered.— *Harrison*. I would not speak willingly to offend any man; but God is no respecter of persons. "His setting up his standard against the people —. " *Court*. Truly, Mr. Harrison, this must not be suffered: "this doth not at all belong to you.— *Harrison*. "Under favour, this doth belong to me. I would have "abhorred to have brought him to account, had not the "blood of Englishmen that had been shed —. *Counsel*. "Methinks he should be sent to Bedlam, till he come to "the gallows to render an account of this."— There was a farther struggle, Harrison anxious especially to repudiate a charge of one of the witnesses that he had said in the committee where they were preparing the indictment against the King, "Let us blacken him," and also the accusation of having been harsh to the King when he was in his custody. Neither was true, he said; such things he abhorred. With evident hurry at last, the Chief Baron wound up the trial by addressing the

jury. Without withdrawing, and with hardly an instant of delay, they returned a unanimous verdict of *Guilty*. The Chief Baron then pronounced sentence as follows:—"The judgment of this Court is, and the Court doth award, That you be led back to the place from whence you came, and from thence be drawn upon an hurdle to the place of execution; and there you shall be hanged by the neck, and, being alive, shall be cut down, and . . . [here a portion of the sentence which cannot be printed]: your entrails to be taken out of your body, and, you living, the same to be burnt before your eyes, and your head to be cut off, your body to be divided into four quarters, and head and quarters to be disposed of at the pleasure of the King's Majesty; and the Lord have mercy upon your soul!"

Harrison having been thus disposed of on the 11th, the next day, Friday the 12th, sufficed for the five that had been brought to the bar along with him,—Scroope, Carew, Clements, Jones, and Scott. With the exception of Clements, who tried the vain chance of succumbing at once and acknowledging himself guilty, all stood very firm, wrestling with the Court respectfully, and defending themselves as well as they could. Next to Harrison, the one most exulting in the style of his courage was Carew. When asked, at the end, why sentence should not be pronounced, he would only say, "I commit my cause unto the Lord," while the others did avail themselves then of the humbler verbal form of "submitting to his Majesty's mercy." Sentence was pronounced on all the five that day, the same sentence as on Harrison. It was thought by many at the time, and has been generally acknowledged since, that the condemnation of Scroope in particular was an "inexcusable breach of faith." He

had surrendered on the Proclamation; it had been arranged that his punishment should be only the forfeit of one year's value of his lands; and the Commons had let him be transferred to the list of the unpardonable at the last moment only because the Government wanted another victim of his social rank, and made the most of some evidence to his damage since the Restoration itself. That evidence was produced on his trial, when Major-General Browne, the Lord Mayor elect of London, stepped into the witness-box, and swore to some conversation he had had with Scroope in the Speaker's chamber, in which, in reply to a remark of his own about the King's murder, Scroope had said there were different opinions on that subject, and declined to express his own. Altogether, Scroope did not make any special complaint of the injustice done him, but accepted his fate very bravely.

Saturday the 13th was entirely occupied with the trials of Cook and Hugh Peters. That of Cook was protracted to greater length than any that had preceded, by the exertions of Cook himself in arguing with the Court, with all his lawyerly subtlety, whether it was not a sufficient exoneration that his part in the King's business had been that of a person employed as professional counsel merely. The trial of Peters, though not so long, was more interesting. The points against him were that he had conspired with Cromwell and others at various times and places to bring the King to trial, that he had been a most conspicuous figure in the active crowd round the trial, that he had preached several sermons rousing the soldiers and others to the final act of regicide, and that he had himself been present on the scaffold. Peters, who spoke in a low

voice and in a dispirited manner, but with no meanness or abjectness, could not set aside the evidence of his having been seen about the trial, and having preached rousing sermons in connexion with it, though he challenged the veracity of the witnesses in some particulars. He declared solemnly that he had "never had any near converse with Oliver Cromwell about such things." On the point of his alleged presence on the scaffold he positively broke down the adverse testimony. A certain Richard Nunnely, once door-keeper to the Committee of the Army, had sworn that, on the morning of the King's execution, he had met Peters in the gallery of Whitehall, had gone with him from the gallery into the Banqueting Room, had there heard him give some indistinct directions to one Tench, a joiner of Houndsditch, who was employed about the scaffold, had afterwards seen him go out himself on the scaffold about an hour before the execution, as if to observe that his directions had been attended to, and finally, when the execution was over, had encountered him again, coming "in his black cloak and broad hat," and in the hangman's company, out of the chamber into which the two men in vizards had retired. In contradiction of this witness, Peters called a Cornelius Glover, who had been his servant at the fatal date, and who now testified, as circumstantially, that on the day of the execution his master was "melancholy sick, as he used to be," and had not left his chamber either before the execution or during the execution. This evidence seems to have had some effect upon the Court; for, after Peters had given a short sketch of his life from his arrival from America in the beginning of the troubles, admitting that he had been "active" in the midst of the "strange and several kinds

of providence" in which he had found himself, "but not to stir in a way that was not honourable," the Chief Baron in his summing up, while mentioning Nunnely's evidence, said the Court would lay no great stress on that. The jury returned a verdict of guilty on Peters, as well as on Cook; and the same sentence as on Harrison was pronounced on both.

Axtell, Hacker, and Hewlet, were tried on Monday the 15th. Axtell made a very able defence, reasoning more energetically on some parts of the main subject than any other of the Regicides, maintaining that his action throughout had been but that of a soldier under Parliamentary orders, and contending boldly that he was no more guilty than the Earl of Essex, Lord Fairfax, the Earl of Manchester, Monk himself, or any other military Parliamentarian. Hacker was no speaker and had little to say for himself, but adopted Axtell's plea of having been a soldier merely and under command. In the case of Hewlet, the specific inquiry was whether he had been one of the two masked executioners. On this subject the Court had already been thrown into great ambiguity by certain portions of the evidence during the trials of Axtell and Hacker.—One of the witnesses there had been Mr. Hercules Huncks, the "Colonel Huncks" of Jan. 1648-9 to whom, in conjunction with Colonels Hacker and Phayre, the death-warrant, signed by Bradshaw, Cromwell, and fifty-seven others of the judges, had been addressed. Having been imprisoned in the Tower, and not yet feeling himself safe, Huncks was willing to purchase security by telling all he could to convict Hacker and Axtell; and there had been some sensation in Court when Huncks and Axtell were confronted, Huncks as the dogged renegade and informer,

and Axtell as the prisoner eyeing his former comrade with scorn. Huncks's story was that there had been some difficulty on the execution day, from the fact that, in addition to the death-warrant from the judges, addressed to Hacker, Phayre, and himself, it was deemed necessary that there should be a sub-warrant, or order to the executioner. Naturally it was for Hacker, Phayre, and Huncks, or one or other of them, on the faith of the main warrant, to write this sub-warrant. Accordingly, in Ireton's room in Whitehall, where Cromwell, Ireton, Harrison, Hacker, Phayre, and Huncks were met, just before the execution, with Axtell standing at the door, Cromwell had turned to Huncks (so Huncks now said) and asked *him* to write or sign the document. Huncks had positively refused, he said; whereupon Cromwell had called him "a froward, peevish fellow," and Axtell from the door had exclaimed: "Colonel "Huncks, I am ashamed of you; the ship is now coming "into the harbour, and will you strike sail before we "come to anchor?" Not to lose time, continued Huncks, Cromwell had gone to a little table that stood by the door, with paper, pens, and ink on it, and, having written the order himself, had handed the pen to Hacker, who stooped and wrote—Huncks would not swear what or how much, but had little doubt it was his name and that only. If this story were true, the inference was that the executioner-in-chief was already provided, and was waiting for the warrant for himself and his assistant, and that the name of the chief, or the names of both, must have been known to all the seven persons in the room, or at all events to Hacker, the signer of the warrant after Cromwell had drawn it up. But Axtell, who treated Huncks's story as pure invention, protested

he had nothing to do with the choice of the executioners, and even now did not know their names; and, later in the trial, when another witness, Lieutenant-Colonel Nelson, stated that, about five or six years ago, he had been told by Axtell in Dublin that, though "several persons came and offered themselves out of a kind of zeal," all such had been set aside, and Hewlet and Walker, two soldiers known for their stoutness, had been chosen, Axtell still adhered to his denial, declaring particularly that it was impossible he should have ever named Hewlet, because he could have spoken by guess only, and "by common fame up and down the city it was said to be another person." Hacker also, though admitting that he had signed the warrant to the executioner, and that he might have heard the name at the time, could not or would not now reveal it. This was attested by Secretary Morrice and Mr. Annesley, who had examined Hacker in the Tower.—Such was the uncertainty of the Court on the question on which they were to try Hewlet, when Hewlet himself was brought to the bar. He was an oldish grey-haired man; and, though he had recently held captain's rank in Ireland, and was styled in the indictment "William Hewlet, *alias* Houlet, late of Westminster, in the county of Middlesex, gent.," he seems to have been a rough, uneducated person, though not unsagacious, and with much presence of mind in his terrible situation. Seven witnesses, examined in succession, seemed, with more or less of precision, to fasten the guilt on him, though with a difference among them as to whether he had been the man who cut the head off, or only the man who had held it up afterwards. The first, Richard Gittens, swore that he and Hewlet had been sergeants in the

same regiment ; that, a day or two before the execution, a number of picked men of that regiment had been brought before Colonel Hewson, who offered any of them that would undertake the work £100 down and preferment in the army ; that all had refused, Hewlet included ; but that he was confident Hewlet had afterwards consented, for he had seen the executioner on the scaffold, and recognised him to be Hewlet by his voice and his grey beard,—more by token that Hewlet had ever since been known in the army as “Father Greybeard.” Then one Stammers, a Captain Toogood, and a Walter Davis, swore that, in conversations with Hewlet in Ireland, he had admitted, or all but admitted, the fact. Then Lieutenant-Colonel Nelson repeated the evidence he had given on Axtell’s trial, but more circumstantially, to the effect that Axtell had told him in Dublin that Walker and Hewlet, both sergeants, were the men, and that “poor Walker” (now dead apparently) struck the blow, leaving the rest to Hewlet. Then Colonel Tomlinson testified that, to the best of his remembrance, one of the executioners was grey-haired and the other flaxen-haired, and that the grey-haired one struck the blow, adding that he had some recollection now of having been told since, by Colonel Pretty in Ireland, that this grey-haired one was Hewlet. Finally, a Benjamin Francis remembered the two executioners, both dressed alike, “in butchers’ habits of woollen,” but one with a black hat and a black beard, and the other with “a grey grizzled periwig hung down very low,” and swore that the prisoner at the bar resembled this latter in stature and in the colour of his beard. Through these examinations, Hewlet had sat gravely, now and then putting a brief but effective question, disconcerting

to the chief witnesses, but on the whole seeming to reserve himself. At last, nearly all the witnesses for the prosecution having been examined, he did bring out his reserve, and rather startlingly. He should be able to prove, he said, that he and about nine other sergeants of different regiments had been in confinement at Whitehall all the day of the execution precisely because they had refused to go on the scaffold; nay, though he had known this only recently himself, he should be able to settle for the Court the question which was so perplexing them, by proving, by "forty and forty witnesses" if necessary, who the man was that did cut off the King's head. The Court must have stared at this, though the old report does not mention that or any other exhibition of surprise. And Hewlet made good his word, or almost so. Though, like all the other prisoners, he had hardly known with precision the nature of the charge to be made against him, and had in his durance had no time or means allowed him of seeking out evidence for his defence, he had managed to do something, or people in London, believing him innocent, had been stirring in his behalf independently. And so, though he would have liked more time, as he said, to get together the "forty and forty witnesses" he believed might be forthcoming, yet, as the Court ruled that he had had time enough, he did avail himself of evidence then fortunately at hand. This was not any evidence in support of his own alleged *alibi* on the execution day; it was all for the identification of the chief executioner. First, there were certain examinations that had been taken before the Lord Mayor; of which examinations Hewlet tendered to the Court a written copy, signed by "Mary Brandon and divers others." The Court seem to have paid small

attention to this paper ; but they allowed some volunteer witnesses present (seemingly some of those who had been already before the Lord Mayor) to be examined *viva voce*, though without being sworn,—the law being, as the Court explained, that there could be no oath against the King in such a trial. The first of these witnesses, a sheriff's officer, stated that "one of our fellows," John Rooten by name, had told him that he had been in Rosemary Lane, Whitechapel, a little after the execution of the King, "drinking with the hangman",—i. e. with Richard Brandon, the common executioner of that time, and that, on being urged on the subject, the hangman had owned that he cut off the King's head. Another, an Abraham Smith, who had been a waterman on the Thames, remembered that the hangman had been brought to his boat just after the execution by a file of musketeers, that he had put off with him very unwillingly by order of the musketeers, but that, when a little way out in the river, he had said, "Who the devil have I got in my boat?", and had made such an uproar that the hangman "shook every joint of him," and protested he had not done the deed, though sent for to do it, and that his "instruments" had been used by others. Apparently this witness meant to intimate that he believed at the time, and now believed, that the hangman had lied in this denial. The next witness, at all events, put that complexion on the affair immediately and decidedly. His name was William Cox; and his evidence is reported thus: "When my "lord Capel, Duke of Hamilton, and the Earl of Holland, "were beheaded in Palace Yard, Westminster [i. e. on "March 9, 1648–9, little more than a month after the "execution of Charles], my lord Capel asked the common

"hangman: said he, 'Did *you* cut off my master's head?'
"'Yes,' saith he. 'Where is the instrument that did it?'
"He then brought the axe. 'This is the same axe, are you
"sure?' said my lord. 'Yes, my lord,' saith the hang-
"man, 'I am very sure it is the same.' My lord Capel
"took the axe, and kissed it, and gave him five pieces of
"gold. I heard him say 'Sirrah, wert thou not afraid?'
"Saith the hangman, 'They made me cut it off, and
" 'I had thirty pounds for my pains.'" After this
supremely interesting witness, came a Richard Abell,
who testified that, in the house of one Bramston, he
had heard "Gregory himself" (i. e. the hangman) con-
fess that he had done the deed. Yet one more witness
stepped out, named "a stranger" in the report, as if he
had been moved by charity at the moment, and they
did not take the trouble to inquire who he was. He
said, "My lord, I was with my master in the company
"of Brandon the hangman, and my master asked
"Brandon whether he cut off the King's head or no.
"He confessed in my presence that he was the man
"that did cut off the King's head." So stood the case
for Hewlet when Chief Baron Bridgman summed up.
He recapitulated the evidence, saying in one place "God
"forbid I should omit anything that may be as well for
"advantage as against the prisoner," but on the whole
putting most stress on the evidence against Hewlet, and
also reminding the jury that the witnesses for him had
not been on oath, and that, if he had been only the
assistant executioner, he must be brought in guilty. The
jury, "after a more than ordinary time of consultation,"
returned to their places; and their verdict was *Guilty*.

It remained now to try those of the Regicides, not
entered as guilty by their own confession on their arraign-

ment, for whom there was the saving clause in the Bill of Indemnity, providing that, if they should be found guilty and condemned, the execution of the sentence in each case should be suspended till ordered by the King after Act of Parliament. These, sixteen in all, were brought to the bar on Tuesday, Oct. 16. In the predicament in which they were, the benefit of the saving clause depending much on their behaviour or on the opinion the Court might form of them, anything like contumacy was obviously unadvisable. Accordingly, they were all studious to save the Court trouble by withdrawing their previous pleas of Not Guilty and thus practicably submitting, though one or two did urge some point which required the production of a witness or an argument by the prosecuting counsel. Still there were degrees in their submissiveness. Harvey professed himself penitent, said he had exerted himself to stop the trial of the King, and reminded the Court of his wife and thirteen children. Pennington avowed that he had acted in ignorance. Henry Marten had recourse to some subtle pleading, not declining confession as to the matter of fact, but desiring to set aside the words "maliciously, murderously, and traitorously" in the indictment. Making nothing of that, and perceiving, on the contrary, that the plea was only eliciting evidence of his activity and levity of behaviour at the King's trial, he ended thus:—"I had then, and have now, a peaceable inclination, a resolution to submit to the government that God hath placed over me. I think his Majesty that now is king upon the best title under Heaven, for he was called in by the representative body of England. I shall, during my life, long or short, pay obedience to him: besides, my lords, I do owe my life to him, if I

"am acquitted of this. I do confess I did adhere to "the Parliament's party heartily: my life is at his mercy; "if his grace be pleased to grant it, I have a double "obligation to him." After Marten came Millington, who submitted, pleaded guilty, and petitioned for mercy. Tichbourne also professed penitence. Owen Rowe did the same, and said he was a man of no ability, who ought to have kept to his proper business as a tradesman. Lilburne said he had acted ignorantly, and submitted. Smith said the same, and that he could now pray for the King. Downes was penitent, and explained that, though he had been among the sentencing judges and had signed the death-warrant, he had strained his conscience in these very acts, having made strong exertions for the King at the time. Potter, a large man, with "a fit of the stone upon him" as he stood in court, said, "I will deny nothing; I confess the fact, but did not contrive it; I am full of pain." Garland submitted, only denying a charge that he had insulted the King in a special manner. Mayne confessed, but said he had acted under compulsion. The two Temples confessed and craved mercy. Wayte did the same, and said he had been "trepanned" into his share in the regicide. Heveningham, who was brought up last, could not deny the fact that he had been one of the sentencing judges, but referred to some "after actions" in extenuation, which the Court said would be "considered." And so, the formality of a verdict of *Guilty* against each of the sixteen having been gone through, and Sir Hardress Waller and George Fleetwood, the two who had pleaded guilty on their arraignment, having been brought into Court, and Axtell, Hacker, and Hewlet, who had been found guilty on the previous day, having also been

brought in, the Chief Baron made his closing speech, and pronounced sentence upon all the twenty-six, save Heveningham, whose sentence for some reason was reserved to the 19th. The sentence on all was the same sentence of hanging, drawing, quartering, &c., that had already been pronounced on the eight regicides first tried. For the sixteen who could plead the saving clause there was to be a respite of the execution till farther order; and the Chief Baron was also pleased to intimate to Hewlet his belief, though not positive certainty, that, in consideration of the conflict of evidence in his case, there would be a respite for him too till his Majesty's pleasure should be farther known. Axtell and Hacker knew their doom¹.

¹ My account of the Indictment, Arraignment, and Trials of the Regicides is derived from Vol. IV. of *Howell's State-Trials*, pp. 947—1230.—One of the *nineteen* Regicides named in the Bill of Indemnity for the benefit of the saving clause as having surrendered on the proclamation (ante p. 63) remains unaccounted for. He is Thomas Wogan. Having had an opportunity of escaping abroad since the passing of the Bill, he had preferred exile at all risks to trial with the benefit of the saving clause.—In addition to the six persons hitherto named in these pages as having been suspected or accused in one way or another of the actual decapitation of Charles—viz. one Matthew, Colonel George Joyce, Hugh Peters, Hewlet, Walker, and the common executioner Brandon—one hears of others and still others. Thus a Phineas Payne, who was "one of the three doorkeepers of the court" during the King's trial, had been accused before the Council by an Elizabeth Parsons, to the effect that, she and another woman being in a chandler's shop two or three hours after the execution, "both weeping," Payne came in "rejoicingly, said his hands had done the work, and asked a "countrywoman to drink a quart of sack with him in a tavern." (*Mrs. Green's Calendar of State-Papers* under date June 26, 1660). Payne, if he had made the boast, had already cleared himself of the fact before the Council, and explained that he "was not on the scaffold till an hour and a half after the execution, when most of the boards were removed" (*Ibid.* June 25). A Christopher Alured of Yorkshire had been informed against as having "declared himself to be the man" and boasted of it (*Ibid.* July 19). There seems, indeed, to have been a competition among bragging and crazed people for the reputation of the tremendous deed. After all, despite Lilly's very circumstantial statement about Joyce (which seems to have been entirely disregarded before the trials), and despite any worth that may seem to linger even yet in the evidence respecting the dead Walker, or even respecting Hewlet, the decided preponderance of the evidence is in favour of the conclusion that the real executioner was the common hangman, Braudon. On such an occasion an expert would be in request; and the fact seems to have been, as brought out by Hewlet's witnesses, that Brandon made no secret of the matter so long as he lived, but told any of his neighbours in Rosemary Lane who chose to inquire, and always with the addition that he got £30 for the work. He died June 20, 1649, not five months after the beheading of the King, and less than four after the beheading of Lord Capel, the Duke of Hamilton, and the Earl of

Before the trials were ended, the hangings and quarterings had begun. Harrison was the first example. On Saturday, October 13, he was brought from Newgate, where he had taken his last leave of his wife, and of other friends, all in a state of marvel at the ecstasy or heroic rapture of his demeanour. Conveyed on a hurdle or sledge, tied and with the rope about his neck, through the crowded streets, "his countenance never changing all the way," but appearing "mighty cheerful to the astonishment of many," he came in sight of the gallows at Charing Cross. Before he left the hurdle, the hangman, in the customary way, solicited a fee by the pretence of asking forgiveness. Harrison gave him the forgiveness, and "all the money he had." Then, mounting the ladder, still "with an undaunted countenance," he addressed the people in the strain of a fervid

Holland; and opposite to the entry of his burial in the register of St. Mary's parish, Whitechapel,—"*June 21, Rich. Brandon, a man out of Rosemary Lane,*"—some one afterwards wrote, "This R. Brandon is supposed to have cut off the head of Charles the First" (Cunningham's *Hand-Book of London*, p. 427). In a tract of the time, called *The Confession of the Hangman*, besides details of the story of the King's execution, as told by Brandon himself,—e. g. an account of what he did with "an orange stuck full of cloves and a handkerchief" which he took from the King's pocket,—there is a description of the proceedings at the burial of Brandon. Whitechapel was in riot, and it was with difficulty that the body escaped being torn to pieces by the mob. See Chambers's *Book of Days*, I. 798—799; where there is also a quotation from a broadside called *A Dialogue between the Hangman and Death*. In reply to Death, who comes exultingly to carry off Brandon at last, and calls him "the bloodiest actor in this present age," Brandon is made to say, among other things,

"I gave the blow caused thousands' hearts to ache;
Nay, more than that, it made three kingdoms quake."

Brandon had succeeded his father Gregory Brandon in his dreadful business; and the name of this "Gregory," remembered as the executioner of Stafford and others, seems to have been used for "Richard" by one of Hewlet's witnesses. It seems strange that, with all the publicity of the tradition respecting Brandon, and with his wife or daughter, "Mary Brandon," apparently still alive to add her testimony to that of so many others, the government should have ignored Brandon for the chance of finding some one living to convict. How perseveringly they tracked out every one connected in any way with the Regicide appears from the fact that the carpenter, Tench of Houndsditch, who had erected the scaffold, was still sought for. He was arrested some weeks after our present date (*Public Intelligencer* of Nov. 26—Dec. 3). Whatever he had done, he ought to have been safe then by the Bill of Indemnity.

fifth-monarchy Puritan and man of the Commonwealth. "Take notice," he said, "that, for being instrumental "in that cause and interest of the Son of God which "hath been pleaded amongst us, and which God hath "witnessed to by appeals and wonderful victories, I am "brought to this place to suffer death this day; and, if "I had ten thousand lives, I could freely and cheerfully "lay down them all to witness to this matter." Again :— "I do not lay down my life by constraint, but willingly; "for, if I had been minded to have run away, I might "have had many opportunities; but, being so clear in "the thing, I durst not turn my back nor step a foot "out of the way, by reason I had been engaged in the "service of so glorious and great a God. However men "presume to call it by hard names, yet I believe, ere it "be long, the Lord will make it known from Heaven "that there was more of God in it than men are now "aware of." There was more to the like effect, his demeanour continuing to astonish the spectators, and, among them, Pepys, who, having seen the execution of Charles and approved of it, had come to witness this first expiation for it. Though there were requests from the sheriff to be short, and the executioner was bustling to begin his work, Harrison went on till he had said all he meant to say. His last words were: "He hath "covered my head many times in the day of battle. By "God I have leaped over a wall; by God I have run "through a troop; and by my God I will go through "this death, and He will make it easy to me. Now into "Thy hands, O Lord Jesus, I commit my spirit." The sentence was then executed to the letter. He was flung off, hanged a moment or two, but cut down still alive, for the opening of his body. As the hangman was at

this savagery, nerve and muscle worked strongly in the half-dead man, and he struck the hangman a blow in the face. The head and heart were shown to the people, and there were great shouts of joy.—At the same place, on Monday the 15th, Carew was executed in the same manner. He also went out of the world dauntlessly, a dull, pious man, with prayers and words of triumph.—Cook, Hugh Peters, Scott, Clements, Scroope, and Jones, were executed, all at Charing Cross likewise, the two first on the 16th, the others on the 17th. All died bravely,—even Peters, who had had depressing doubts in prison whether he should be able to “go through his sufferings with courage,” and whom the hangman tried to break down, when his turn came, by ostentatiously rubbing his hands before him, bloody from the disembowelling of Cook, and saying, “How do you like this work, Mr. Peters?” None of the condemned went out of the world with less pity. The execution of Peters, said the newspapers of the day, “was the delight of the “people, which they expressed by several shouts and “acclamations when they saw him go up the ladder, and “also when the halter was putting about his neck.”—One does not know whether his Majesty had been present at the executions of Harrison, Carew, Cook, and Peters; but Evelyn tells us that he was present at that of Scott, Clements, Scroope, and Jones. The amiable Evelyn missed the main sight himself, but remarks on the fact that the place was Charing Cross, close to Whitehall, where Charles had been beheaded. “I saw “not their execution,” he says, “but met their quarters, “mangled and cut and reeking, as they were brought “from the gallows in baskets on the hurdle. O the “marvellous providence of God!” Axtell and Hacker

were executed together on the 19th, not at Charing Cross, but at Tyburn, near the present Marble Arch. Axtell, being a man of speech, could show his courage in that way as well as by his demeanour. In Newgate, since his condemnation, he had been speaking with some soreness of "that poor wretch Lieutenant-Colonel Huncks," and also of Colonel Tomlinson; but at the gibbet he made all the proper professions of a Puritan and Republican Christian. Hacker, a man of no words, had prepared a little paper, beginning "Friends and Countrymen, all that have known me in my best estate have not known me to be a man of oratory," and containing two or three plain sentences more, soldierly and pious¹.

Ten had been hanged, drawn, and quartered; and the prison-walls closed round the remaining nineteen that had been condemned, as also round the six Regicides of less criminal grade that were in custody, but had not been tried for their lives. Little more was to be heard of any of the twenty-five in this world, save when it was thought proper to cart one or two of them for exhibition through the streets of London with halters round their necks. After the twenty yet living Regicides who had escaped out of England, and were still fugitive, there was to be a hue and cry to the last. Lambert and Vane, not classed with the Regicides, were in prison, as capital exceptions from the Indemnity on other grounds, and with only a petition of the two Houses to his Majesty between them and the scaffold. Hasilrig, not excepted for life, but for everything else, was also in prison for

Accounts of the Executions and the Last Speeches and Prayers of the Regicides, published in 1663 from notes taken at the time, and reprinted in Howell's *State-Trials*, IV. 1230—1302; Pepys's *Diary* and Evelyn's of dates; *Mercurius Publicus*, Oct. 11—18, 1660.

general guilt, as a man never to see the sun again. For one of the two Regicides, Lassels and Hutchinson, who had been sentenced to civil incapacitation only, the escape was to be but nominal. For some of the eighteen more severely incapacitated culprits, two of them ranked as minor Regicides, disgrace was not to be the sole punishment after all. The absolutely condoned Matthew Tomlinson was to disappear into obscurity; and only Dick Ingoldsby, of all the Regicides, could hold up his head. The four-and-twenty Regicides that were dead before the Act of Indemnity lay in their graves, confined corpses, and undisturbed as yet¹.

Just after the hanging and quartering of the ten Regicides there came forth a *Declaration of his Majesty concerning Ecclesiastical Affairs* (Oct. 25, 1660). It was his Majesty's attempt in that business of a reconstitution of the Church of England which had been referred to him by Parliament.

The first draft of the document, which seems to have been substantially Hyde's, had been ready for more than

¹ In the enumeration in this paragraph the reader will find all the 102 persons excepted by name from the Bill of Indemnity (ante pp. 62—65) accounted for in a general way. I have made no special investigation of the fates of the nineteen Regicides condemned capitally in Oct. 1660 but not executed; and the following is only roughly from Noble and other authorities at hand:—*Died in prison, mostly in the Tower, time unascertained*—Downes, Garland (presumably), Harvey, Heveningham (presumably), Millington, Potter, Smith, James Temple, Peter Temple, Tichbourne (presumably), Wayte (presumably), Sir Hardress Waller. *Died in the Tower at known dates*—Mayne (April 1661, ætat. 49), Pennington (Dec. 17, 1661), Rowe (Dec. 1661). *Transferred to other prisons with some indulgence, and died there*—Lilburne (in Jersey, Aug. 1665, ætat. 52); Henry Marten (at Chepstow Castle, as late as 1681, ætat. 77). *Ultimately released, and died in America*—George Fleetwood. I know nothing of Hewlet: but even he may have been traced to his end by some one.—Of the six minor Regicides in custody, James Challoner, Sir James Harrington, and Phelps, appear to have died in prison soon. Hutchinson, though nominally condoned, was to die a prisoner in Deal Castle, Sept. 11, 1664. Hasilrig died in the Tower, of a fever, within the year. Lambert, after several removes, died in Guernsey, as late as 1694, ætat. about 74.—Of the fates of the Regicides that were fugitive on the continent or in America, about twenty in all, a perfect account is, I believe, still a desideratum.

a month, and had been put into the hands of Reynolds, Calamy, Baxter, and the rest of the small committee of representative Presbyterian divines for the benefit of their private criticisms. Such criticisms had been freely tendered, both in conferences with Hyde and in papers sent in to him. Baxter had been the boldest in his censures of the document, but had been tempered down by Reynolds, Calamy, and the rest. At length, some alterations having been made in the document, there had been a special conference over it in the King's presence, Oct. 22. The conference was held in Worcester House, in the Strand, then Chancellor Hyde's residence; and besides the King and Hyde, the laymen present were the Duke of Albemarle, Ormond, the Earl of Manchester, Mr. Annesley, and Mr. Holles. Hyde read over the document, paragraph by paragraph, and it was commented on by Sheldon, Morley, Henchman, Hacket, Gunning, Dr. Barwick, and others on the Episcopal side, while Baxter, Reynolds, Calamy, Spurstow, Manton, and others argued on what was still called the Presbyterian side. Baxter is most emphatic, however, in explaining that this phrase was now a misnomer, purposely kept up among the courtiers to discredit himself and his friends. None of them now, he says, spoke for Presbytery, or thought of bringing any of the essential differences between the Presbyterian system and the Episcopal into the discussion. They had, all of them, practically ceased to be Presbyterians, and had consented to accept Episcopacy and a Liturgy; what they now spoke for was simply an abatement of the excesses of Episcopacy and the excesses of Ritual. It was a strange pass for the great body of the English Presbyterians to have come to in the persons of their

chief representatives. But the fact was as Baxter states it. Those who had been Presbyterians hitherto, in a stricter sense than Baxter himself had ever been, were now at one with him in thinking Usher's Model of Episcopacy satisfactory, and in the resolution to confine themselves to such negotiation with the King and Hyde in behalf of that model, or of something like it, as should effect the great end of a comprehension of the Old Anglicans and the *ci-devant* Presbyterians in the established National Church, achieving at the same time the other desirable end of turning out the Independents, the Baptists, *et hoc genus omne*. This intention as regards the Independents and Sectaries was implied in the present conference and in the whole treaty, and was indeed one of the operating forces on both sides. At the end of the conference, however, it seemed as if Baxter and his friends must give up all hope of seeing his Majesty's *Declaration* issue in such a shape as they desired. Some important modifications which they wanted were declined, or set aside by the Anglican reasoners; and, when his Majesty gave his decision how the *Declaration* should finally stand, and intrusted it to Morley and Henchman on the one side, and Reynolds and Calamy on the other, for verbal perfection in that form, with Annesley and Holles as umpires in case of difference, Baxter was much dejected. He attributed a good deal of his disappointment to Annesley, who, though called a Presbyterian, and acting on that side, had "spoken more for prelacy" in the conference than had been expected; and he could not refrain from saying to Annesley, as he left the room, that he would not have done what Annesley had done that day against the peace and welfare of the Church for much more than Annesley

was ever likely to get by it. Mr. Baxter could be thus sharp even to a Privy Councillor¹.

What was Baxter's surprise, what his joy, when, on buying a copy of the Printed Declaration, as it was cried about the streets on the 25th, he found that his rebuke to Annesley had had excellent effect! The wording of the Declaration, as thus authoritatively issued, promised a constitution of the Church, he says, "though not such as we desired, yet such as any sober honest ministers might submit to; and I was presently resolved to do my best to persuade all, according to my interest and opportunity, to conform." What was the purport of the document which thus convinced Baxter and so many others that they need not leave the Establishment after all, but might remain in it with a good conscience? We must turn to the document itself:—In the preamble his Majesty expresses his belief that his long residence abroad, his acquaintance with the forms of all the different Reformed Churches there, and his frequent conversations in particular with eminent divines in Holland, "looked upon as the most able and principal asserters of the Presbyterian opinions," had qualified him peculiarly for the task of framing such a constitution for the Church of England as was now sorely needed. His intention at first had been to call a Synod of Divines to aid him; and, with that intention, he had meanwhile contented himself with using the Liturgy in his own chapel and seeing the voluntary use of it by many others. He had not pressed it upon his subjects generally, or done anything against that general liberty of conscience which he had promised from Breda. But men of rest-

¹ Baxter, I. 259—278; where there is the first draft of the *Declaration*, with details of the discussion and conference.

less and malicious spirits had been at work. They had "very unseasonably caused to be printed, published, "and dispersed throughout the kingdom, a Declaration "heretofore printed in Our name during the time of "Our being in Scotland, of which We shall say no "more than that the circumstances by which We were "enforced to sign that Declaration are enough known "to the world." No wonder that his Majesty, or Hyde for him, thought the resuscitation of that document unseasonable. It embodied the oaths which Charles, as a Covenanted King, had sworn again and again in Scotland in 1650 and 1651, to maintain Presbyterian Government, with the two Covenants, and the Westminster Assembly's directory, confession, and catechisms, in Scotland for ever, to observe them in his own practice and family, and to promote their establishment in the rest of his dominions. But other pamphlets, his Majesty added, were equally inopportune and perturbing. Hence his Majesty had seen fit "to invert the method" he had first proposed, and, instead of calling a Synod at once, to make a good beginning himself, which Parliament and a Synod might perfect in due time. He was encouraged in this by the present harmonious temper of those leading representatives both of English Episcopalianism and of English Presbyterianism with whom he had been conferring. "We must, for the honour of "all those of either persuasion with whom we have "conferred, declare that the professions and desires of "all for the advancement of piety and true godliness are "the same; their professions of zeal for the peace of "the Church the same, of affection and duty to us the "same: they all approve Episcopacy; they all approve "a set form of Liturgy; and they all disapprove and

“dislike the sin of sacrilege, and the alienation of the revenue of the Church. And, if upon these excellent foundations, in submission to which there is such a harmony of affections, any superstructure should be raised to the shaking of these foundations,”—then truly his Majesty would be most unfortunate. He hoped, however, that the superstructure he had devised would suit the foundations. It was this:—(1) Studious promotion of Religion and Godliness, and of the observation of the Lord’s Day “without unnecessary divertisement,” and this more immediately by a retention of the surviving old bishops, the appointment of suitable colleagues for them, and care that all bishops henceforth should be working and preaching bishops; (2) Suffragan bishops in every diocese, and especially in the large ones, to assist the bishops; (3) No bishop in any diocese to ordain, or exercise jurisdiction involving church-censure, without “the advice and assistance of the presbyters;” no chancellor, commissary, or other lay-official in a diocese to exercise spiritual jurisdiction; and no archdeacon to exercise jurisdiction without the advice and assistance of six ministers of his archdeaconry, three to be nominated by the bishop and three by vote among the presbyters in the archdeaconry. (4) Preferments to deaneries and other cathedral offices to be from among “the most pious and learned ministers of the diocese;” and the dean and chapter of each cathedral to have associated with them in all their spiritual functions an equal number of presbyters elected by the presbyters of the diocese, the junior presbyters so elected always to withdraw at any meeting of the Dean and Chapter where the presbyters present out-numbered those present of the Dean and Chapter. (5) Church-

discipline to be efficiently maintained in every diocese; and, for this purpose, every rural dean to have three or four ministers, elected by the ministers of the deanery, associated with him in a monthly church-court for admonishing offenders, composing differences, making representations to the bishop, &c. (6) No bishop to exercise arbitrary power. (7) The old Liturgy, though his Majesty himself prefers it to anything else of the kind he has seen, to be revised by a committee of an equal number of divines of both persuasions to be appointed by his Majesty, but meanwhile to be optional in whole or in part. (8) The ritual of the Church to be determined by a future National Synod; and meanwhile kneeling at the sacrament, the sign of the cross at baptism, bowing at the name of Jesus, and the use of the surplice (save in the Royal Chapel, Cathedrals and Collegiate Churches, and the Universities) not to be imperative. Indeed ceremonies generally to be as little compulsory as possible; liberality and comprehensiveness to be studied in all ways; and ministers to be admitted to ordination and benefices without oaths or subscriptions other than the ordinary oaths of allegiance and supremacy¹.

Such was the King's Declaration of October 25, 1660, reconstituting the Church of England. It sent a glow of pleasure through thousands of hearts. For such of the Independents and Baptists, indeed, as had been retained within Cromwell's Church-Establishment, and had no objection of principle against remaining within a State-Church still, if only it were a State-Church to suit, the document meant absolute exclusion from the State-Church as actually reconstituted. They had expected nothing

¹ Baxter, I. 278—279; and the Declaration, as given in *Parl. Hist.* IV. 131—141.

else ; and most of them, if not all, were already out of the Establishment, huddled in the same mass with that miscellany of Independent and Baptist Voluntaries, Quakers and other Sectaries, and Roman Catholics, whose interest personally was not in the constitution of the State-Church, but in the postponed question of the amount of Toleration to be allowed out of the State-Church. There were still also rigid Presbyterians to whom an Episcopal State-Church in any form, with a Liturgy and other such accompaniments, was as repugnant as it had been in the days of the Westminster Assembly, and the adoption of the strict Scottish model. But the majority of the *ci-devant* Presbyterians and Covenanters were satisfied. The Episcopacy to be set up by the King's Declaration was a limited Episcopacy, an Episcopacy of expediency only, a Presbyterianized Episcopacy, very nearly, if not quite, after Usher's scheme of reduction back to the Episcopacy of the Primitive Church just after the age of the Apostles. There were addresses of thanks to the King by Presbyterian ministers ; the King or Hyde seemed to have performed a feat of real statesmanship ; and England lay in repose¹.

No time like that for filling up the Episcopate, and so letting the nation behold in distinct vision the actual fabric of the restored Church of England. With this view, Hyde and the King had been making arrangements. Several of the nine surviving pre-Restoration Bishops had been promoted already to higher sees ; on the 26th of October, the very day after the King's Declaration appeared, a number of new bishops were consecrated ; and before the 6th of November, when the

¹ Baxter, I. 284—288 ; Neal, IV. 304—309.

Parliament was to re-assemble after the recess, this was the state of the Episcopate :—

PROVINCE OF CANTEBURY.

ARCHBISHOPRIC : William Juxon, translated from his former see of London, Sept. 13.

- B. of St. Asaph : George Griffith, consecrated Oct. 28.
- B. of Bangor : William Roberts, holding since 1637.
- B. of Bath and Wells : William Pierce, holding since 1632.
- B. of Bristol : *left vacant.*
- B. of Chichester : Henry King, holding since 1642.
- B. of St. David's : William Lucy, elected Oct. 11.
- B. of Ely : Matthew Wren, holding since 1638.
- B. of Exeter : John Gauden, elected Nov. 3.
- B. of Gloucester : *left vacant.*
- B. of Hereford : *left vacant.*
- B. of Lichfield and Coventry : *left vacant.*
- B. of Lincoln : Robert Sanderson, elected Oct. 17.
- B. of Llandaff : Hugh Lloyd, elected Oct. 17.
- B. of London : Gilbert Sheldon, elected Oct. 23.
- B. of Norwich : *left vacant.*
- B. of Oxford : Robert Skinner, holding since 1641.
- B. of Peterborough : *left vacant.*
- B. of Rochester : John Warner, holding since 1637.
- B. of Salisbury : Humphrey Henchman, elected Oct. 4.
- B. of Winchester : Brian Duppa, transferred from the Bishopric of Salisbury Sept. 10.
- B. of Worcester : George Morley, elected Oct. 9.

PROVINCE OF YORK.

ARCHBISHOPRIC : Accepted Frewen, transferred from his former see of Lichfield and Coventry, Sept. 22.

- B. of Carlisle : *left vacant.*
- B. of Chester : *left vacant.*
- B. of Durham : *left vacant.*
- B. of Sodor and Man : *left vacant.*

There was a meaning in the ten bishoprics left vacant for the present. For most of these Hyde and the King had meritorious old Anglicans in readiness ; but it was thought highly desirable that three or four of them should be

given to the most eminent among the *ci-devant* Presbyterians, and the Bishopric of Coventry and Lichfield had been offered to Calamy, that of Hereford to Baxter, and that of Norwich to Reynolds. It was a subtle temptation, and there was a Babel of remark. For Baxter and Reynolds to take bishoprics might not be so shocking, as both of them had in past years inclined to moderate Episcopacy ; but, if Mr. Calamy, the old Smectymnuan, were seen in a bishopric, what faith could there be in man any more ? Baxter, on the whole, thought it best to decline ; for the other two, and for some Presbyterian divines who had been offered deaneries, the policy was to wait to see whether, when the Parliament met after the recess, the King's Declaration would be confirmed by an Act. Then they might all accept¹.

One other incident of the recess deserves to be noted. It concerned Hyde himself, the prime minister and bishopmaker, and it made him reel in his place.

It seems to have been about the beginning of October, just when the trials of the Regicides were coming on, that there was first divulged the scandal of the strange relations between the Chancellor's eldest daughter, Anne Hyde, and the Duke of York. The facts, not then fully known, were these :—While the girl was in the household of the Princess of Orange at Breda, the duke had made love to her. There had been a secret contract of marriage, it is believed, on the 24th of November 1659 ; and, on the faith of this contract, they had been living as if married for about six months, when the Restoration brought them both to London. As she was then with child, concealment was impossible much longer ; and on

¹ Baxter, I. 281—284.

the 3rd of September 1660, late at night, there had been contrived her hurried marriage to the duke in her father's house, before witnesses, and according to the rites of the English Church. The Chancellor's own account conveys the idea that not even then was *he* cognisant of the affair. It was first broken to him, he says, by his friends Ormond and Southampton, considerably deputed to do so by the King, to whom the Duke of York had confessed it, with urgent entreaties that he would recognise the marriage. His Majesty, acquitting the Chancellor of all connivance, was anxious to know how the news might affect him. The Chancellor, as he himself tells us, behaved at first like a madman. He swore at his daughter before his friends, called her by the most opprobrious of names, said he would turn her out of his house. When, to pacify him, they suggested that his daughter was perhaps legally married to the duke, he declared that the case was then much worse. He would rather that she should have dishonoured herself without marriage; there was no course, in such a high state-offence in the beginning of the King's reign, but to move his Majesty to "cause the woman to be sent to the Tower, and to be cast into a dungeon, under so strict a guard that no person living should be admitted to come to her, and then that an Act of Parliament should be immediately passed for the cutting off her head." If their lordships would concur, he would move this himself. The King coming in at this point, and the Chancellor again exploding, and repeating his advice for imprisonment and decapitation, all his Majesty could do was to adjourn the matter till the Chancellor should recover his reason.—As days passed he did grow calmer. He had taken pains to ascertain that his daughter really was

married ; and, though he did not then know, he says, that his servants were all the while admitting the duke to Worcester House whenever he liked, he knew that the duke was passionately fond of her and very importunate with the King for the recognition of the marriage. And so, though the Chancellor still resisted and argued that the marriage must be disallowed, this would have been the speedy conclusion of the affair, but for the interference of the ladies of the Royal Family.—It had been this affair of the Duke of York's marriage, among others, that had brought the Princess of Orange from Holland on the 25th of September ; messages on the subject had been dispatched to the Queen-mother at Paris, leading to communications from that lady ; and, when she herself should arrive in London, everybody knew what *she* would do. She had all along been the Chancellor's greatest enemy ; to have Hyde's daughter thrust into the Royal Family was a degradation to which she would never submit ; she would turn this incident in the Chancellor's domestic life into his public ruin.—Nor were methods wanting. For, meanwhile, on the 22nd of October, the very day of the great conference of divines in Worcester House over his Majesty's *Declaration concerning Ecclesiastical Affairs*, the poor girl about whom there was all the excitement had given birth in that house to a son,—his Majesty manfully using his good fortune in being then on the spot to cause the Marchioness of Ormond and other great court-ladies to be sent for to attend the *accouchement*. The act appeared the more manful to Hyde because there was already a vile conspiracy among the courtiers of the Queen-mother's party, though she herself had not yet arrived, to break off the marriage by inducing the Duke of York to think the child not

his. Sir Charles Berkeley, the Comptroller of the Household, was at the centre of the conspiracy, and had given the duke such assurances of the possibility of another paternity that the duke was now as anxious to repudiate the marriage as he had been to have it acknowledged.

Through all the multifarious business of the recess, including the trials of the Regicides and the reconstitution of the Church of England, Hyde had been carrying this private trouble in his mind. More than once, he says, he had offered to resign his posts and retire from public life. And now, the *accouchement* over, and the recess at an end, and the Duke of York still giving credence to Berkeley's calumny and refusing to see his wife and the baby, and the Queen-mother being herself on the spot to manage matters farther, what was he to do? His sole comfort, he says, was in the generous steadiness of the King. His Majesty had called Berkeley a blackguard, whose word was not to be trusted; through his Majesty's influence, the court-ladies who had attended the *accouchement* were doing all they could to contradict Berkeley's story; and, though his Majesty did not see how the affair might end for Anne Hyde, and cared little about that, he was resolved that nothing should separate him from his Chancellor. He took the opportunity, indeed, to insist that Hyde should at last allow himself to be made a peer. Another honour which came to Hyde at the same time was his election, October 27, to be Chancellor of the University of Oxford, in succession to the Duke of Somerset, who had just died. And so, whatever might betide Anne Hyde and her child, it was as Baron Hindon, still Lord Chancellor and Prime Minister, and with other added honours, that Hyde,

on the 6th of November 1660, faced the reassembled Parliament¹.

Among the first acts of the two Houses on the day of their reassembling were a vote to congratulate the Queen-mother on her arrival, a vote of a gift of £10,000 to the Princess Henrietta, and a unanimous vote in the Commons of their hearty thanks to the King for his gracious *Declaration concerning Ecclesiastical Affairs*. In this last vote it was implied that a Bill would be brought in for adopting his Majesty's reconstitution of the Church of England and making it effectual.

On the 7th of November there was introduced into the Commons by Solicitor-General Sir Heneage Finch, and read the first and second times, a Bill for Attainting Oliver Cromwell and other dead or living Regicides, and the Bill was referred to a large committee, including Mr. Prynne. A Lord's Day Bill, a Militia Bill, debates on the public debt and on the best means of raising the revenue of £1,200,000 a year that had been promised to his Majesty, and debates respecting a dangerous political pamphlet by a Mr. William Drake, occupied the House pretty closely to Nov. 22. On that day the Commons,

¹ Clarendon, 1008—1012 (*Continuation of Life*); Burnet, I. 286—287; Pepys and Evelyn, both under date Oct. 7, 1660; Cunningham's Handbook of London, Art. *Worcester House*; Wood's Ath. III. 1022; Hallam, II. 361—363, *footnote*. Hallam characterises Clarendon's account of the affair of his daughter's marriage as "overacted hypocrisy," a deliberate attempt "to mislead," and thinks that, as his conduct must be called atrocious if the account is taken as true, "the most favourable hypothesis for him is to give up his veracity." I should be loth to adopt such a hypothesis in the case of such a man as Clarendon; and it is a hypothesis always to be used sparingly. But I have never read, even in Clarendon himself, whose regardlessness of dates is always a torture, a passage in which dates are so ingeniously jumbled, by being half-suggested and then retracted or suppressed, as in this account of the divulging of his daughter's secret and of his own behaviour on the occasion. You cannot tell *when* he first knew the fact himself, whether before the private marriage in his own house or after; you see the Queen-mother there before she is there, and you see her come after that; you have no idea of the extent of time with which you are dealing. And yet the story is most flowing and graphic, and you cannot positively convict the writer of false dating at any one point. Hallam, in reconsidering his note, reluctantly admits this.

meeting the Lords by request, were informed that the Lord Chancellor had brought an intimation from the King that he intended to dissolve the present Parliament in about a month. This may have been a surprise to the Commons; but it was very natural in the circumstances. The Convention Parliament had effected the Restoration, had disposed of the Regicides, had disbanded the old Republican Army, had decreed a splendid revenue for the King, and made his path easy. But there were reasons why it should sit no longer. For one thing, it had not come into being in the regular way and under the King's own authority, but by powers acting while he was in exile; and, though everything possible had been done to amend the defect, there were still whispers among the more violent courtiers that it was not a legitimate Parliament, and that its acts might be challenged. But, farther, the material of the present House of Commons was not in accordance with his Majesty's notions. He and his brother, and the majority of the courtiers, wanted to see England turned into an absolute monarchy, like that of France; and, though there was a remnant in Hyde's mind of old English constitutionalism, and there had been serious conversations between him and the Earl of Southampton respecting the tendency to Absolutism among the courtiers, yet Hyde too was tired of the present House of Commons. There was too much of the Puritan tradition in it for his ecclesiastical tastes; and he looked forward, with the King, to such a thoroughly Cavalier Parliament as the country was sure to return when the present should be dissolved¹.

¹ Commons Journals and Parl. Hist. of dates; Hallam, II. 323; Echard, as quoted in a note to Parl. Hist. IV. 177—178; Clarendon, 1034.

To make the most of the time remaining, the two Houses confined themselves chiefly to the bill for giving effect to his Majesty's *Ecclesiastical Declaration*, the bill of Attainder on the Regicides, and the question of methods for providing his Majesty's revenue.

The Bill for confirming his Majesty's *Ecclesiastical Declaration* came to a sudden and mysterious collapse in the Commons. It was read the first time on the 27th of November; and, though the House had unanimously and enthusiastically thanked the King for the *Declaration* only three weeks before, there was the strangest conflict of opinion now. Some speakers, among whom was Prynne, were earnest for proceeding with the bill; but others, including Secretary Morrice and his ministerial associate Finch, were significantly cool on the subject. In substance, they were for throwing out the bill, and leaving his Majesty to manage the Church as he pleased, whether in accordance with his excellent *Declaration* or not. The debate was brought to a point by Sergeant Maynard, who moved the question whether the Bill should be read a second time. On a division there were 183 *Noes* to 157 *Yeas*, so that the Bill was thrown out, and the nation and his Majesty were left, on the ecclesiastical question, with only a bit of paper signed "Charles R." between them. There can be no doubt, in fact, that the King's *Declaration concerning Ecclesiastical Affairs* had been, on the part of Hyde and others, a mere concoction to answer the purposes of the moment, and never meant to be binding, and that the hint had been given to the Ministerialists in the Commons to stop the confirming Bill. "When the Parliament came together 'again after the adjournment,'" writes Hyde himself, "they gave the King public thanks for his *Declaration*,

"and never proceeded further in the matter of Religion ; *"of which the King was very glad."* One gets accustomed to the prostitutions in this reign, as in the last, of the formula "On the word of a King, C. R.;" but the present instance passes ordinary bounds. That Charles, the Scottish Covenanter, sworn in Scotland in 1650 to strict and life-long Presbytery, should now, in the year 1660 and in England, be restoring Prelacy and suppressing Presbytery, is nothing astonishing. He had sworn in 1650 by compulsion, and ten whole years, and a mass of events incalculable beforehand, lay between the oath and the abjuration in that case. But to have voluntarily issued a Declaration for Limited or Presbyterianized Episcopacy throughout England on the 25th of October, 1660, to have let himself be thanked for that Declaration by the Commons within less than a fortnight, and then, within another three weeks, to have taken steps for invalidating the Declaration and reducing it to a dead letter, is a too startling example of swiftness between promise and preparation to falsify promise. Few now but will feel some sympathy with Baxter's indignation on the theme. Not a single promise of the *Declaration*, Baxter explains, was ever redeemed, not one atom of any clause of it put into effect ; and, foreseeing that this would be the case from the moment that the Confirming Bill was dropped in Parliament, he could then sum up the gains of the treaty in which he and others had been so much exercised. They consisted (1) in the fact that the *Declaration*, though abortive, was actually in print and might be referred to by posterity, (2) in the fact that there must be a short breathing-time for the Presbyterians within the Establishment, till there should be new laws to their injury, and

(3) in the fact that there had been an opportunity for argumentation¹.

The Bill of Attainder on the Regicides fared better than the Ecclesiastical Bill. When it was reported from the Committee with amendments on the 4th of December there was no difference of opinion on the main proposition, but only some difference on the question whether there should be some allowance for the families and creditors of the Attainted. Prynne, of course, was for no such proviso; but Prynne was outgone in ferocity on this occasion by a gentleman who deserves to be now specially introduced.—He was a Captain Silas Titus, or more properly Silius Titus, born about 1622 at Bushy in Herts, the son of a person of the same name, who traced his descent from Italy, where the family-name had been Tito. Educated at Oxford, the young Hertfordshire native, with Italian blood in him, had become a Parliamentary captain and “a forward man” in the beginning of the Civil War, but had tended to the King. After the King’s execution he had attached himself to Charles II. abroad, and, as groom of the bedchamber, had accompanied Charles into Scotland and been with him at the Battle of Worcester. And now, back in England as groom of the bedchamber still, but with the reputation also of being the author of the famous tract *Killing no Murder*, which had appeared in 1657, recommending the assassination of Cromwell, Captain Titus was reaping his rewards. He had a grant of the Keepership of Bushy Park, and he had been returned to the Convention Parliament in place of some original member whose seat had been vacated.—At the close of this day’s debate on the

¹ Commons Journals and Parl. Hist. of date; Clarendon, 1035; Baxter, I, 286—287; Neal, IV. 309—310.

Attainder Bill up stood Captain Silas Titus. He observed "that execution did not leave traitors at their graves, but "followed them beyond it, and that, since the heads and "limbs of some were already put upon the gates, he "hoped the House would order that the carcasses of those "devils who were buried at Westminster,—Cromwell, "Bradshaw, Ireton, and Pride,—might be torn out of "their graves, dragged to Tyburn, there to hang for some "time, and afterwards be buried under the gallows." Whether Titus made the suggestion entirely on his own responsibility, or whether he spoke for the Court, it was instantly and unanimously adopted. "*Resolved*," say the Journals, "that the carcasses of Oliver Cromwell, Henry "Ireton, John Bradshaw, and Thomas Pride, whether "buried in Westminster Abbey or elsewhere, be, with all "expedition, taken up, and drawn upon a hurdle to "Tyburn, and there hanged up in their coffins for some "time, and after that buried under the said gallows, and "that James Norfolke, Esq., sergeant-at-arms attending "the House of Commons, do take care that this order be "put in effectual execution;" also "*Ordered*, That the "Lords' concurrence herein be desired, and Mr. Titus is "to carry it to the Lords." The Lords, we may add, concurred at once on the 7th, only making the order more full by a clause or two, which the Commons adopted, requiring the Dean of Westminster, the Sheriff of Middlesex, and the common executioner, to assist in their several capacities.—Viscount Falconbridge, Cromwell's son-in-law, I note, was *not* in his place in the Lords that day. Having, at the Restoration, obtained a special certificate of pardon, signed by Hyde, he had resumed his place among the old nobility, and had been attending in the Lords very regularly hitherto. He was present in

the Lords on the 4th of December, when the Commons passed their order about his father-in-law's corpse ; but from that day I do not find him again in the Lords till the 17th. At that very moment there was lying in the Council Office a paper, still to be seen, with the endorsement in the hand of Secretary Nicholas, "*Old Mrs. Cromwell, Noll's wife's, Petition*;" of which this is an abstract: "Among her many sorrows, she is deeply "sensible of the unjust imputation of detaining jewels, "&c., belonging to the King, which, besides the disrepute, exposes her to loss and violence, on pretence of "searching for them ; is willing to swear that she knows "of none such, and can prove that she never intermeddled with any of those public transactions which "have been prejudicial to his late or present Majesty, and "is ready to yield humble and faithful obedience to his "government ; prays therefore for a protection, without "which she cannot expect, in her old age, a safe retirement in any place of his Majesty's dominions." The petition had been sent in just before the hideous disinterring order of the Houses ¹.

The disinterring order was an accompaniment of the Attainder Bill, not a formal part of it. The Bill itself passed the Commons on the 7th of December, Prynne moving "that some others of the regicides who had "surrendered themselves should be put into this bill and "now executed." He named more particularly the lawyers among them, and most particularly Garland ; and Captain Titus, seconding the motion, named Sir

¹ Commons and Lords Journals of dates and of Dec. 8 ; Parl. Hist. IV. 155—156, where there is an account of the debate in the Commons on the 4th from a contemporary MS ; Wood's Ath. IV. 623—625 (about Titus) ; Mrs. Green's Calendar of State Papers, 1660—1, pp. 137, 174, 598 (about Titus), pp. 34, 500 (about Falconbridge), and p. 392 (Elizabeth Cromwell's Petition).

Hardress Waller. But the bill went up to the Lords without any such call in it for more blood. The Lords returned it on the 14th, with some small amendments, which were then adopted by the Commons. As thus ready for the royal assent, it was entitled "*An Act for the Attainder of several persons guilty of the horrid Murder of his late Sacred Majesty King Charles I.*" It enacted, first of all, that the 30th of January, the anniversary of the day of the King's death, or the 31st if that day should be a sunday, should be observed for ever in all his Majesty's dominions as a day of solemn fast and humiliation, with prayers in all the churches that the guilt might not be visited on posterity ; and then it enumerated the persons attainted, all whose goods and possessions, legally their property at the date of March 25, 1646, were to be absolutely forfeited to the King. Oliver Cromwell, Ireton, Bradshaw, and Pride, were named first, in that order ; the twenty other regicides dead before the passing of the Indemnity Bill were omitted as not worth attainting now ; but all the remaining unpardoned regicides, recently executed or left alive, in custody or fugitive, to the number of forty-eight, were attainted individually. Distributed into groups, they were as follows :—*The ten recently executed*, viz. Harrison, Carew, Cook, Peters, Scott, Clements, Scroope, Jones, Axtell, and Hacker ; *The nineteen condemned to death, but under respite*, viz. Downes, Fleetwood, Garland, Harvey, Heveningham, Hewlet, Lilburne, Marten, Mayne, Millington, Pennington, Potter, Rowe, Smith, James Temple, Peter Temple, Tichbourne, Waller, and Wayte ; *Nineteen fugitive*, viz. Barkstead, Blagrove, Broughton, Cawley, Thomas Challoner, Corbet, Dendy, Dixwell, Goffe, Hewson, Holland, Lisle, Livesey, Love, Ludlow, Okey,

Say, Walton, and Whalley. There were some provisos in the Act respecting property of the attainted that had passed into other hands by legal conveyance¹.

In the matter of a settlement of ways for raising the King's annual revenue of £1,200,000, and other moneys needed, the Convention Parliament wound up as well as it could. The poll-bill and the assessments previously voted not having sufficed for the expense of disbanding the army and paying off the navy, estimated now at a total of £670,868, other bills had been framed for supplying the deficiency. There were bills also for raising sums for minor purposes. In the main business of the King's revenue the chief difficulty was in providing a substitute for that part of the former royal revenue which had been derived, by what was now considered unconstitutional or undesirable prerogative, from "the court of wards and liveries, tenures *in capite*," &c. The King had consented to resort no more to those old feudal sources, if an equivalent could be provided otherwise. Two schemes had been suggested in the Commons: "one a permanent tax on lands held in chivalry (which, "as distinguished from those in soccage, were alone

¹ Lords and Commons Journals of dates; Parl. Hist. IV. 158; and Act of Attainder itself in Statutes at Large. It is curious that, though *Thomas Wogan* is named in the general enumeration of fifty-three regicides promiscuously with which the Act sets out, he is not repeated in any of the subsequent groups. He had been among those who had surrendered (ante, p. 50 and p. 57), and he had been among the nineteen excepted in the bill with the benefit of the saving clause (p. 63).—This may be the place for such vague information as is at hand, in Noble and elsewhere, about the subsequent fates of the nineteen fugitives. Barkstead, Corbet, and Okey, who had fled to Germany at first, were to be captured in Holland ere long. Blagrove, Challoner, Hewson, Livesey, Say, and Walton, had escaped to Holland or other parts of the north of the Continent, and little more seems to be known of them than that Challoner died at Middleburg in 1661, Hewson at Amsterdam in 1662, and Walton in Flanders in 1661. Dixwell, Goffe, and Whalley ended their days in America. The most fortunate of the fugitives were those who found an asylum in Switzerland. Lisle, it is true, was assassinated at Lausanne, by instigation, it was believed, of the Queen-mother; but Ludlow, Love, Broughton, Crawley, and Holland were protected by the Swiss, and the first three of them treated with much respect, more particularly by the Council of Bern. Ludlow, after writing his memoirs, died at Vevey in 1693, ætat. 73, and his monument is there to be seen.

“liable to the feudal burthens); the other, an excise on “beer and some other liquors.” The description is Hallam’s, who adds, “It is evident that the former was “founded on a just principle, while the latter transferred “a particular burthen to the community. But the self-“interest which so unhappily predominates even in “representative assemblies, with the aid of the courtiers, “who knew that an excise increasing with the riches of “the country was far more desirable for the Crown than “a fixed land-tax, caused the former to be carried, though “by the very small majority of two voices.” This had been on the 21st of November, save that Mr. Hallam’s account of what passed then is not quite correct. The question then propounded to the House consisted of two parts, (1) “That the moiety of the excise of beer, ale, “cider, perry, and strong waters, at the rates it is now “levied, shall be settled on the King’s Majesty, his heirs “and successors, in full recompense and satisfaction of “all tenures *in capite* and by knight’s service, and of the “court of wards and liveries and all emoluments and “profits thereby accruing, and in full satisfaction of all “purveyance;” (2) “That the other moiety of the “revenue of the excise of beer, &c., be settled upon the “King’s Majesty in further part of the £1,200,000 per “annum resolved to be settled on his Majesty.” The division was only on the second part, voting the present King one moiety of the Excise for his life, in addition to the other moiety settled on the Crown for ever; and in this division it was the *Noes* that carried by a majority of two voices, i.e. by 151 to 149. Annesley, who was opposed to the Excise scheme, was one of the tellers for the majority. Very soon, however, the vote was reversed; and so there went through the Commons, and then

through the Lords, with various debates and conferences, two connected bills. One was "An Act for taking away the court of wards and liveries, and tenures *in capite* and by knight's service, and purveyance, and for settling a revenue on his Majesty in lieu thereof." This Act vested in the Crown for ever 15*d.* from every barrel of superior beer, 4*d.* from every barrel of inferior beer, 15*d.* from every hogshead of cider or perry, $\frac{1}{2}$ *d.* from every gallon of metheglin or mead, 6*d.* from every barrel of so-called "vinegar-beer," 1*d.* from every gallon of aquavitæ or strong water, 4*d.* from every gallon of coffee, and 8*d.* from every gallon of chocolate, sherbet, or tea, besides higher duties proportionally from imported ales, cider or perry, or strong waters. The other Act was "A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life;" and it assigned him the other 15*d.* from every barrel of superior beer, the other 4*d.* from every barrel of inferior, and so on through the rest of the liquors,—the entire duty on each being, of course, the sum of the moieties distributed between the two bills. Not till the 24th of December were there two bills, with all their intricacies, ready for the King's assent. It was given that day in the Lords' House, the Commons attending. His Majesty's revenue of £1,200,000 a year having thus been tolerably well secured, his Majesty was in haste for the dissolution. There were still, however, odds and ends of business, including a special vote of £70,000 to his Majesty for the expenses of his approaching coronation and new jewels for his crown; and not till Saturday the 29th of December were the two Houses ready¹.

¹ Lords and Commons Journals of dates; Hallam, II. 312—314; and the text of the two Revenue Bills in *Statutes at Large*.

On that day his Majesty, having passed the Attainder Bill on the Regicides, and thirty-one Bills besides, most of them private, dissolved the Convention Parliament. In a short speech, he magnified the services of that Parliament and expressed his sense of his obligations to it. "Many former Parliaments," he said, "have had particular denominations from what they have done; they have been styled Learned and Unlearned, and sometimes have had worse epithets: I pray let us all resolve that this be for ever called *The Healing and Blessed Parliament*." Hyde followed his master, as usual, with a more diffuse speech¹.

Before the dissolution eight of the ten bishoprics left vacant on Nov. 6 had been filled up by the King, leaving only the two sees of Lichfield and Coventry and Sodor and Man still vacant in the total Episcopate of England and Wales. The bishops additional to those of our previous list (ante p. 126) were now as follows:—

PROVINCE OF CANTERBURY.

- B. of Bristol : Gilbert Ironside, elected Dec. 14.
- B. of Gloucester : William Nicholson, elected Nov. 26.
- B. of Hereford : Nicholas Monk (brother of the Duke of Albemarle), elected Dec. 1, instead of Richard Baxter, who had declined.
- B. of Norwich : Edward Reynolds, elected Nov. 28; the only former Presbyterian who took a bishopric.
- B. of Peterborough : Benjamin Laney, elected Nov. 20.

PROVINCE OF YORK.

- B. of Carlisle : Richard Sterne (great-grandfather of Sterne, the novelist), consecrated Dec. 2.
- B. of Chester : Brian Walton (of the *Polyglott Bible*), consecrated Dec. 2.
- B. of Durham : John Cosins, consecrated Dec. 2.

¹ Lords Journals and Parl. Hist. of date (for speeches).

Just before the dissolution there had happened also the death of the King's eldest sister, the Princess of Orange. She died on the 24th of December, of the same disease of small-pox which had carried off the Duke of Gloucester. While she yet lived, however, the Royal Family had consented to the accession to it of Chancellor Hyde's daughter as the legitimate wife of the Duke of York. The Duke had come round at last, Berkeley having confessed that he had invented his calumny against the Chancellor's daughter only to afford the Duke the means of escape from an inconvenient marriage; and, though the Queen-mother had held out for a time, declaring publicly that, "whenever that woman should be brought "into Whitehall by one door," she herself "would go out "of it by another door, and never come into it again," effective means had been used to conciliate her too. Hyde himself says that the chief influence was that of Cardinal Mazarin, who had written over to the Queen-mother that her reception back in France would not be very cordial unless she desisted from her opposition to the Chancellor. Certain it is that the reconciliation of the Duke of York to his wife and the public acknowledgment of their marriage date from about the middle of December 1660. And so, on Jan. 1, 1660-1, three days after the dissolution of the Parliament, there was a ceremonious christening of their baby by the name of Charles, and with the title of Duke of Cambridge, in Worcester House, the King and the Duke of Albemarle standing godfathers, and the Queen-mother and the Marchioness of Ormond godmothers. The very day after that ceremony, the Queen-mother was to leave London, to embark at Portsmouth, on her return to France. No one regretted her; and Hyde's sarcastic

observation with reference to her unexpectedly civil parting with him is that thenceforth "there did never appear any want of kindness" on her part towards him, "whilst he stood in no need of it, nor until it might have done him some good." He is here looking forward to the eclipse of his fortunes some years hence. For the present, who did not envy him? Established in his premiership more firmly than ever, he saw his daughter, whom he wanted to behead three months ago, the acknowledged Duchess of York. She was, to Pepys's taste, "a plain woman, and like her mother, my Lady Chancellor," though Burnet, who knew her well afterwards, found her "a very extraordinary woman," with "great knowledge" and "great spirit." Should Charles never marry, or should he have no legitimate issue, she might be Queen of England one day, and the crown her husband's¹.

While the King was away from London, to see his mother embark at Portsmouth, there broke out the mad little riot known as the insurrection of Venner and his Fifth-Monarchy men. Venner, the stout wine-cooper who had tried a similar outbreak in Cromwell's time, and had only been imprisoned for a while in consequence (Vol. V. p. 134), fared worse this time. It was in the evening of Sunday, Jan. 6, 1660-1, that he and a number more, issuing from their conventicle in Coleman Street, where they had been rousing themselves to phrenzy with apocalyptic readings and discourses, marched into the streets about St. Paul's, to begin that work of the destruction of Babylon and human monarchy, and the

¹ Evelyn's Diary, Dec. 24; Pepys's of Dec. 10, 1660, and April 20, 1661; Mrs. Green's Calendar for 1660-1, pp. 412, 466, 470; Clarendon, 1013-1015; Burnet, I. 286-291.

institution of the reign of King Jesus, which had been delayed too long. Being fifty or sixty in number, and armed and desperate, they discomfited easily the force of city trained-bands that mustered to put them down. After more promenading in the city and about the city gates, they took themselves off to Caen Wood between Highgate and Hampstead, where they bivouacked that night. There they were attacked next day by a party of horse and foot sent against them by Monk; but, though some were taken, most escaped from the wood, to rally again in the city. They did rally again there, with some reinforcements, early on Wednesday morning. Dividing themselves into two parties, they fought against all odds till they could fight no more. Venner's own party, whose object was to catch the Lord Mayor, was the last to be overpowered. Not till some had been killed, refusing quarter, and Venner himself had been knocked down and severely wounded, was the riot at an end. About twenty soldiers or citizens altogether had been slain, and as many of the rioters. Of those apprehended, to the number of sixty-six in all, twenty were tried at the Old Bailey within ten days, of whom sixteen were condemned to be hanged, drawn, and quartered. On Thomas Venner and Roger Hodgkins, as the two chiefs, the sentence was fully executed in Coleman Street, close to the meeting-place of the sect, on the 19th of January. Eleven more were hanged at other places; and three seem to have been reprieved¹.

Two not unimportant consequences followed Venner's crazy attempt. One was the reconsideration in Council of the policy of an entire disbandment of the army, and

¹ Phillips, 735; Parl. Hist. IV. 186—188, note; *The Kingdom's Intelligencer* for Jan. 14—21, 1660-1.

the retention, under the name of Guards, of two or three of the yet undisbanded regiments, to form, as has been already mentioned, the nucleus still of a standing army. The other appeared on the 10th of January, the day after the suppression of the outbreak, when, the King being then back in town, there was issued a proclamation from Whitehall "for restraining all seditious meetings and "conventicles under pretence of religious worship, and "forbidding any meetings for worship except in parochial "churches or chapels." This was a dreadful blow to the sectaries of all sorts, but especially to the Baptists and the Quakers, the two sects immediately aimed at after the Fifth-Monarchy men, and the only sects expressly named along with the Fifth-Monarchy men in the proclamation. The Baptists were still a very numerous and growing body ; the Quakers had of late been recruited largely, or even enormously, by the melting into their ranks of former sectaries of all varieties, and even of former Independents and Presbyterians, finding in Quakerism at last the extreme of spiritual rest. Since the Restoration, though subject to that popular fury against "fanatics" which had become but a form of loyalty, and troubled also by officious magistrates, persecuting and imprisoning on their own responsibility, both sects had been able, in virtue of the King's Breda Declaration, to keep up their own meetings for worship and preaching. And now, by Venner's outbreak, though Venner himself had protested that Baptists and Quakers were no associates of his, they were to lose the right of meeting. But the prohibition affected others besides the Quakers and the Baptists. The Independents generally, though not named in the proclamation, knew themselves to be involved ; nor could even those stricter Presbyterians be safe who had begun

to avoid liturgical worship in the parish churches. In short, there was wide consternation. The London Independents hastened to publish a collective manifesto, signed by twenty-five of their ministers, among whom were Thomas Goodwin, Philip Nye, Joseph Caryl, and John Oxenbridge, declaring their abhorrence of Venner's rebellion, and of Fifth-Monarchy principles, and their loyalty to the King and his government; the Baptists put forth a similar document, signed by about thirty-five of their chief ministers; and George Fox and others, besides publishing "A declaration from the harmless and innocent people of God called Quakers against all sedition, plotters, and fighters in the world," presented a direct address to his Majesty, in which they told him that, even as it was, there were 400 men and women of their persuasion then in prison in London, and above 1000 more in country jails, and implored him not to stop their meetings. The benefit was to be little or nothing. From the date of Venner's insurrection, what small respect there had been for the promise of liberty of conscience and worship in the King's Breda Declaration ceased altogether, and it became evident that not only was there to be no comprehension for Presbyterians within the established Church, but also no toleration for any religionists whatsoever out of that Church. The passion for suppressing conventicles and hunting down itinerant or unordained preachers of all denominations spread from the central authority to all local authorities; and soon the silenced or imprisoned Baptist preachers, in addition to the Quakers, were to be counted by scores. John Bunyan, however, was not one of the victims of Venner's insurrection. His turn had come already. He had been arrested, by warrant of a Bedfordshire justice, in November 1660,

and had been lying in Bedford jail for two months before Venner's exploit¹.

And now, in the midst of the consequences of the Venner riot, there came round the anniversary of King Charles the Martyr. The 30th of January that year fell on a Wednesday. The sermons and prayers on the day, the humiliations and the exultations, may be imagined. But the grandest ceremony was in London. The order of the two Houses for disinterring the bodies of Cromwell, Bradshaw, Ireton, and Pride, had been procured with a view to this day especially. Save that the body of Pride, which had not been buried in Westminster Abbey, but in a country churchyard, was left undisturbed at the request of Monk, the order was executed most punctually. It is best to quote the contemporary newspaper account. "This day, Jan. 30 (we need say no more, but name "the day of the month), was doubly observed,—not only "by a solemn fast, sermons, and prayers, in every parish "church, for the precious blood of our late pious sovereign "King Charles the First, of ever glorious memory, but "also by publicly dragging those odious carcasses of "Oliver Cromwell, Henry Ireton, and John Bradshaw, to "Tyburn. On Monday night Cromwell and Ireton, in "two several carts, were drawn to Holborn from West- "minster, where they were digged up on Saturday last ; "and the next morning Bradshaw. To-day they were "drawn upon sledges to Tyburn. All the way (as before "from Westminster), the universal outcry and curses of "the people went along with them. When the three "carcasses were at Tyburn, they were pulled out of their "coffins, and hanged at the several angles of that triple

¹ Mrs. Green's *Calendar of State Papers for 1660—1*, pp. 470—471 et seq.; Neal, IV. 320—325; Philip's *Life of Bunyan*, 273 (where there is Bunyan's own account of his arrest).

"tree,—where they hung till the sun was set ; after which "they were taken down, and their heads cut off, and "their loathsome trunks thrown into a deep hole under "the gallows." Pepys was not one of the multitude that went to see the sight,—of which indeed he rather disapproved ; but he went to Lady Batten's in the evening to meet his young wife and her ladyship after they had returned from the pleasure¹.

The heads of Cromwell, Bradshaw, and Ireton, were at once set up, by the common hangman, on poles on the top of Westminster Hall, that of Bradshaw in the middle². There they were to remain for years and years, people looking up at them for a while with whatever thoughts might be convenient, and soon with no thoughts at all, and the heads themselves looking down, with their empty eye-sockets, on what was passing underneath. As there was to be little of much importance in London till the coronation of his Majesty, we shall change the scene till then for Ireland and Scotland.

At the Restoration the Lord-Lieutenancy of IRELAND was one of the honours that had been heaped on Monk. It was nominal merely ; and the actual administration of Ireland remained in the hands of such resident officials, formerly serving under the Lord-Lieutenancy of Henry Cromwell, as had accommodated themselves to the change of times. Of these the two chief were Lord Broghill, President of Munster, and Sir Charles Coote, President of Connaught. No sooner had the King's Breda letters been read in the Convention Parliament, and the Restoration made certain, than the opinion of

¹ *Mercurius Publicus* of Jan. 24—31, 1660-1 ; Noble's *Regicides* (Article, *Pride*) ; Pepys and Evelyn of date, with Pepys of Dec. 4, 1660.

² *Mercurius Publicus* of Jan. 31—Feb. 7, 1660-1.

these and of other official persons in Ireland as to what would be best for that country in the new state of things was made known to the Convention Parliament by commissioners sent over for the purpose. It was hoped that the two Houses would concur in a request to his Majesty to revert to the old practice, and let Ireland have a Protestant Parliament of her own. To this the two Houses agreed on the 12th of May.—Thus, before his Majesty had set foot in England, it had been resolved that England and Ireland should no longer be tied together, as during the Commonwealth and the Protectorate, but that Ireland should rebound into her old condition as a separate dependency of the Crown. Accordingly, from that date there is hardly a mention of Ireland in the journals of the English Convention Parliament¹.

There was no danger of revolt in Ireland, if there were any ordinary good management. The Cromwellian rule had expelled all that was most furious and formidable of the relics of the native Roman Catholic confederacy, had enclosed the most considerable part of the remaining Roman Catholic population within the single province of Connaught, and had poured into the island such numbers of soldierly and civilian colonists of English or Scottish birth, Presbyterians, Independents, Anabaptists, or sectaries of rarer sorts, that these, with the older English settlers, and the Ulster Presbyterian Scots, formed one vast land-owning garrison, overwhelming the native Irish element in three of the provinces, and watching and governing it in the fourth. Now that the Ludlows, the Axtells, and other Regicide Republicans, were out of the island, the difficulty for Charles was not in having to

¹ Clarendon, 1005 and 1025 ; Lords and Commons Journals of May 8—12, 1660.

reduce any part of the country or any class of its inhabitants to allegiance. His difficulty was in settling in any tolerable manner the claims that the various portions of the population might have upon him respectively. These claims conflicted so among themselves as to be utterly irreconcilable. There were, first, the Roman Catholics, and especially those of them that had fought for his father and himself, and been true to their cause. Were such of these "innocent Roman Catholics" as had been deprived by the Commonwealth and Cromwell of their lands in Ulster, Munster, and Leinster, and forced to accept a pitiful equivalent in Connaught, to be denied the restoration of their lands? Yet how could these be now restored? They were in possession of English and Scottish colonists who had paid for them or purchased them by military service. Could these, or the persons to whom these had conveyed their lands, be turned out? That would have been a revolution ruinous in itself. "Within little more than two years," says Clarendon, speaking of Cromwell's rule in Ireland, the country had been settled "to that degree of perfection that there were "many buildings raised for beauty as well as use, orderly "and regular plantations of trees, and raising fences and "enclosures throughout the kingdom, purchases made "by one from the other at very valuable rates, and "jointures made upon marriages, and all other conveyances and settlements executed, as in a kingdom at "peace within itself, and where no doubt could be made "of the validity of titles." Even had it been possible, no king, no statesman, could seriously disturb such a state of things. But it was *not* possible. It was the possession of these lands, and the hope that they would possess them still, that had turned so many that were Presbyterians,

or former Commonwealth's men and Oliverians, into loyal King's men now; and let their possession be disturbed, let there be but a sign that it might be disturbed, and thousands now ranking as King's men in Ireland would drop that character and start up as fighting iron-sides. In the main, Oliver's settlement of Ireland must be ratified, whatever devices of partial redress might be invented for the dispossessed old Royalists and Roman Catholics. There was yet, however, a farther complication of the problem. Among the adventurers for Irish lands there were a good many who had adventured as Royalists, had paid a moiety of their subscriptions while Charles I. was still sovereign of Ireland, but had voluntarily lost the benefit of their investment by refusing to pay more when the Independents and Republicans came into the ascendant. Were these, whose money in part had gone to help Charles, to have no consideration or allowance? Altogether, the calculation was that, if the whole of Ireland, with its 7,500,000 of Irish acres of good land, and 3,000,000 Irish acres of bog, moor, and lake, were sold three or four times over at fair market price, the proceeds would not satisfy all the claims upon it among the million and a-half or two millions of mixed Roman Catholics and Protestants that formed the population¹.

With this vast problem looming upon Charles, it was thought best to be in no hurry to call an Irish Parliament. In fact, no such Parliament did meet till May 8, 1661; and in the interim Ireland was left very much to herself. Monk's nominal Lord-Lieutenancy was rather inconvenient, inasmuch as it prevented the reinstalment in that office of its former holder, the Marquis of Ormond,

¹ Clarendon, 1025—1029; Hallam, III. 394—397.

the supreme and fittest Irishman. As Monk clung to the dignity, however, on account of interests of his own in Ireland, the arrangement had been that Lord Roberts, a Cornishman, of "more than ordinary parts," though of "sullen and morose" temper and Presbyterian opinions, should be Lord Deputy under him. It was intended that Roberts should go to Ireland for the actual exercise of his office ; but, until he should do so, he was virtually the minister for Irish affairs in his Majesty's Council at Whitehall. Hyde did not interfere in any direct manner in the Irish department, leaving Roberts, with advice from Ormond and Annesley, to receive and study the applications that continued to pour in from all the Irish parties and interests. So much progress had been made in this work before November 1660 that his Majesty was able to issue a Declaration on the 30th of that month, indicating generally his will respecting Ireland. The adventurers and Cromwellian soldiers were substantially to be confirmed in their estates ; but there were to be various measures of compensation for the "innocent Roman Catholics," after farther investigation of claims ; and a number of persons of signal merit mentioned by name, among whom were thirty-five of the old Irish nobility and gentry, were to be restored at once to their estates without farther trouble of proof. Then, in December 1660, Lord Broghill, now raised to the dignity of Earl of Orrery in the Irish peerage, and Sir Charles Coote, created at the same time Earl of Mountrath, were conjoined as Lords Justices of Ireland with Sir Maurice Eustace, an old and valued friend of Ormond's, who had been appointed to the Irish Chancellorship two months before. It was to be their business to enforce the oaths of allegiance and supremacy throughout Ireland, to

mature questions of claims for the consideration of the coming Irish Parliament, and meanwhile to carry out his Majesty's Declaration¹.

The ecclesiastical settlement of Ireland was easier than the civil. It had been decided, of course, to restore the Irish Episcopal Church. Of the old Irish bishops there were still alive John Bramhall, Bishop of Derry, Thomas Fulwar, Bishop of Ardferf, Griffith Williams, Bishop of Ossory, Henry Jones, Bishop of Clogher, Henry Leslie, Bishop of Down and Connor, Robert Maxwell, Bishop of Kilmore, and William Bayly, Bishop of Clonfert and Kilmacduagh. These seven, most of them of English or Scottish birth, were regarded as still in legal possession of their sees; but there were the four Irish archbishoprics and twelve other Irish bishoprics to be filled up. As early as August 1660 the designations for these had been made, including that of Bramhall, for his merits and sufferings, to the Irish primacy or archbishopric of Armagh, vacant since Usher's death in 1655. As it was thought unseemly, however, that the formal reconstitution of the Irish Episcopate should precede that of the English, it was not till January 1661, when the English Episcopate was nearly complete, that the composition of the Irish was fully made public. On the 27th of that month there was a great consecration of new prelates in St. Patrick's, Dublin, by Bramhall and the other survivors; and, an addition or two having been made immediately afterwards, with re-arrangements of one or two of the sees, the Irish Episcopate then stood as follows:—

PROVINCE OF ULSTER :—1. *Archbishop of Armagh*: John Bramhall, translated from Derry (Yorkshireman). 2. *B. of*

¹ Clarendon, 1030—1031; Carte's *Life of Ormond*, II. 200—221. The dates are from Carte; Clarendon never gives any.

Clogher: Henry Jones, holding since 1645 (Irish). 3. *B. of Meath*: Henry Leslie, appointed Jan. 18, 1660-1 (Scotch). 4. *B. of Kilmore and Ardagh*: Robert Maxwell, holding from 1643 (Scotch). 5. *B. of Down and Connor*: Jeremy Taylor, appointed Jan. 19, 1660-1 (English). He was already Vice-Chancellor of the University of Dublin, under Ormond's Chancellorship; and both in that office and in his Bishopric he distinguished himself by his activity. Carte, describing the diocese of Down and Connor as the most infested of all with Scottish Covenanters and other "virulent and clamorous" sectaries, speaks of Taylor's wise and patient dealings with such; but in Scotland the rumour was how "one Taylor, made a bishop, did tyrannize over honest ministers, so that he deposed all the Presbyterian ministers in the north of Ireland, the most part whereof were Scotsmen." We may suppose that Taylor, though mild, was resolute. 6. *B. of Dromore*: Robert Leslie, appointed Jan. 19, 1660-1 (Scotch). 7. *B. of Derry*: George Wylde, appointed Jan. 22, 1660-1 (English). 8. *B. of Raphoe*: John Leslie, holding since 1633 (Scotch).

PROVINCE OF LEINSTER:—1. *Archbishop of Dublin*: James Margetson, appointed Jan. 25, 1660-1 (English). 2. *B. of Kildare*: Thomas Price, appointed March 6, 1660-1 (Welsh). 3. *B. of Ossory*: Griffith Williams, holding since 1641 (Welsh). 4. *B. of Ferns and Leighlin*: Robert Price, appointed Jan. 25, 1660-1 (Welsh).

PROVINCE OF MUNSTER:—1. *Archbishop of Cashel*: Thomas Fulwar, translated from Ardfert, Feb. 1, 1660-1 (English). 2. *B. of Waterford and Lismore*: George Baker, appointed Jan. 19, 1660-1 (Irish). 3. *B. of Cork and Ross*: Michael Boyle, appointed Jan. 22, 1660-1 (Irish). 4. *B. of Limerick, Ardfert, and Aghadoe*: Edward Synge, appointed Jan. 19, 1660-1 (English). 5. *B. of Killaloe*: Edward Worth, appointed Jan. 19, 1660-1 (Irish). 6. *B. of Kilfenora*: now annexed, *in commendam*, to the Archbishopric of Tuam.

PROVINCE OF CONNAUGHT:—1. *Archbishop of Tuam*: Samuel Pulleyn, appointed Jan. 19, 1660-1, with the Bishopric of Kilfenora *in commendam* (English). 2. *B. of Killala and Achonry*: Henry Hall, appointed Jan. 19, 1660-1 (English). 3. *B. of Elphin*: John Parker, appointed Jan. 19, 1660-1 (Irish). 4. *B. of Clonsfert and Kilmacduagh*: William Bayly, holding since 1644 (Scotch)¹.

¹ Compiled from Cotton's *Fasti Ecclesiæ Hibernicæ*, with references (for Jeremy Taylor) to Carte, II. 208-9, and *Life of Robert Blair* (Wodrow Society), p. 384.

FOR SCOTLAND also the Restoration was a dissolution of her recent political connexion with England. Indeed, among the various causes of rejoicing in Scotland over the Restoration, not the least was the hope among the Scottish aristocracy and clergy of getting back their ancient little nationality, and their old Scottish laws, and of having Parliaments, and all the other apparatus of independent government, once more in Edinburgh.

Whether all the Scots shared this feeling may be doubted. Clarendon, after describing the "prodigious mutation and transformation" in Scotland that had been effected by the introduction there of English law and equity by Cromwell's English judges, says that the submission to the same by the Scots had been most profound, and that "it might well be a question whether the generality of the nation was not better contented" with the system of things established by Cromwell than with the prospect of a "return to the old road of subjection." Nor was the union of Scotland and England one of those achievements of Cromwell which Hyde himself wanted to see undone. "But the King," he says, "would not build according to Cromwell's models, and had many reasons to continue Scotland within its own limits and bounds and sole dependence upon himself, rather than unite it to England." In short, the re-severance of Scotland from England was a necessity of the Restoration, which Hyde had to accept¹.

The preliminary arrangements for the future of Scotland, however, were made in London. Naturally it was between the King himself and such of the Scottish nobility as were now gathered round him that those arrangements were first contrived. The Earl of Lauder-

¹ Clarendon, 1020—1021.

dale was there, radiant and boisterous in the glory of his recent release from his long imprisonment since the Battle of Worcester, a kind of stubborn Scottish Presbyterian still, but so demonstrative in his Royalism that he could never refer to the former Presbyterian parts of his career, from his membership of the Westminster Assembly onwards to 1648, without abasing himself to the ground and using the phrases "when I was a traitor," "when I was in rebellion." The Earl of Crawford was there, "still a zealous Presbyterian," whose chief recommendation to the King was that, like Lauderdale, he had been at Worcester and had suffered in consequence. Crawford's son-in-law, the Earl of Rothes, was there, the son of that Earl of Rothes who had been the leader of the opposition to Charles I. and Laud in Scotland from 1633 to 1640, and the foremost of the original Scottish Covenanters. Despite that parentage, the present Earl, though "very agreeable to the King," not without ability, and with the credit also of having been one of the captives from Worcester, was notorious chiefly, says Burnet, for having "freed himself from all impressions of virtue or religion, of honour or good nature," and for being able to see "two or three sets of drunkards" dead drunk under the table one after another, any number of nights in succession, without being visibly disordered himself. The Earl of Tweeddale was there, rather ashamed of having been of late a Cromwellian, but educated by that connexion into carelessness of ecclesiastical forms. The Earl of Selkirk was there, a younger son of the Roman Catholic Marquis of Douglas, but no longer a Roman Catholic himself, having married the heiress of James, Duke of Hamilton, now Duchess of Hamilton in her own right, and having thus, by Scottish

custom, entitled himself to be called Duke of Hamilton. Among the others, two may be mentioned together as the most strenuously opposed to that policy of indulgence for Presbyterianism in Scotland which was advocated by Lauderdale and Crawford. These were William Cunningham, Earl of Glencairn, who had kept alive the King's cause so boldly in the Highlands after the disaster of Worcester, and his more soldierly associate for a while in that enterprise, General John Middleton, now made Earl of Middleton, in reward for his long services and exile. Both were of the Cavalier order of politicians, caring nothing for Presbytery, and desiring rather to see Scotland forced into Episcopacy, if such should be the King's will.—From among so many eminent Scots in London there was no difficulty in forming the beginnings of a Scottish Ministry and Privy Council. Middleton, as the supreme man, was designated as the King's High Commissioner to the Scottish Parliament when it should meet; Glencairn was made Chancellor of Scotland; the Earl of Crawford became Scottish Lord Treasurer; Lauderdale was made Scottish Secretary of State; and Sir Archibald Primrose, an astute lawyer, who had been Clerk of the Scottish Privy Council in the days of Charles I, and had adjusted himself carefully to all turns of fortune since, was made Lord Clerk-Register or Keeper of the Rolls. These five were the Scottish junto of chiefs, round whom the other Scots at hand were grouped in London. It was agreed, however, that the Council should have an English ingredient; and, accordingly, Hyde, the Earl of Southampton, Monk, Ormond, Manchester, and Secretary Nicholas, were associated with the Scottish councillors, and might be present at their meetings with the King. Such meetings had begun in

June 1660, and in July they seem to have been pretty frequent.

While they are meeting in Whitehall, English and Scots together, for the consideration of Scottish affairs, who is this that comes knocking at the door? Actually the Marquis of Argyle. He had come all the way from Scotland in consequence of some hint from his son Lord Lorne, then already in London and much about his Majesty, that his Majesty would not object to receiving him among the rest. Better had he blown himself up in his castle at Inverary, or tried to escape across the Atlantic in the craziest boat from Campbellton beach. Yet his appearance might well put them in a flutter. Though now sixty-two years of age, and wearing still that grim-favoured visage in which, "by the ill-placing of his eyes, he did not appear with any great advantage at first sight," he was worth, for depth of brain, more than Lauderdale, Glencairn, and Middleton put together; and, had he been granted a place at the Council Board, who knows what service to Scotland it was in the heart and in the power of the much-experienced, much-dejected man to render even yet? But not even for half an hour would Charles put himself again under the influence of that cool and strong intellect, that subtle tongue, and those many other spells, "gay and pleasant humour" not wanting on occasion, which had made Argyle rather his master than his mere minister in the time of his Covenanted Kingship in Scotland ten years ago. It needed little, therefore, to instruct Charles as to the reception to be given to his old friend. It was on Sunday the 8th of July that Argyle waited, in the presence-chamber at Whitehall, for the King's answer to his request for an interview. The answer sent

out was an order for carrying him straight to the Tower.

Argyle thus disposed of, the Whitehall consultations about Scottish affairs went on without him. Orders were sent to Major-General Morgan, deputy for Monk in Scotland, and meanwhile keeping the peace there with some of Monk's old regiments, for the arrest of Sir Archibald Johnstone of Warriston, Sir John Chiesly, and Sir James Stewart, Provost of Edinburgh. There was also to be arrested in Scotland a Captain William Govan, rumoured to have been on the scaffold at Whitehall when Charles was beheaded. Another Scottish victim was found in London itself. This was Sir John Swinton of Swinton, Cromwell's favourite Scot next to Lockhart, and one of the chiefs of the Scottish government during the Protectorate. He had recently embraced Quakerism, and he was captured in a Quaker's house in King Street, Westminster, on the 20th of July. On the 2nd of August a royal proclamation was sent to Edinburgh, to be published at the market-cross, convoking those that survived of the old Committee of Estates which had been nominated by Charles and his last Scottish Parliament in 1651, and entrusting to that body in Edinburgh the management of affairs till there should be a regular meeting of Parliament¹.

The revived Committee of Estates met in Edinburgh on the 23rd of August. The Earl of Glencairn, who had come from London for the purpose, presided as Chancellor, and there were present nine other nobles, ten lairds or lesser barons, and ten burgesses. It was from the proceedings of this body that the people of

¹ Clarendon, 1021—1025; Burnet, I. 173—191; Wodrow's *History of the Church of Scotland from the Restoration to the Revolution* (1721), I. 3—6 and 42.

Scotland were to gather their first ideas of what had been resolved in London respecting them and their affairs.

The arrests of Argyle and Swinton in London, and of Chiesly, Stewart, and Govan in Edinburgh, after Warriston had contrived to escape to Hamburg, had made it evident that, whatever grace and indemnity for past offences there might be for the Scots generally, there were to be some exceptions. It might have been easily guessed from what class of the community these would chiefly be. They were the *Protesters* or *Remonstrants*. Whoever, in 1650 or since, had been a conspicuous Protester, and especially whoever had passed beyond the ranks of the Protesters to accept office in Scotland or in England under Cromwell, might expect to be called to account. Accordingly, on the very first day of the meeting of the Committee of Estates, the Protesters had this lesson sharply read to them. Most inopportunely, Mr. James Guthrie, minister of Stirling, the chief of the Protesters, had arranged a meeting that day with nine other ministers from various parts of Scotland, and two elders, in a private house in Edinburgh, for the purpose of expressing their views in a humble address and supplication to the King. The document, which had been already drafted, was full of congratulations to the King and professions of loyalty to him, but, for the rest, was a remonstrance, in the name of the Covenant, and in a dull and stupid ultra-Presbyterian strain, not only against any restoration of Prelacy or Liturgy anywhere in his Majesty's dominions, but also against the toleration of any non-Presbyterian sects whatever. The twelve Protesters, with this supplication before them, were in a room near the meeting-place of the Committee

of Estates, and were drafting letters to be sent to their Protester brethren over the country, inviting them to a general meeting in Glasgow to adopt the Supplication, when officers from the Committee of Estates broke in among them and took them and their papers into custody. They were committed to Edinburgh Castle the same day (Aug. 23), and there was much excitement in the town¹.

Through September, October, and November, the chief activity of the Committee of Estates was still in summoning, imprisoning, or otherwise disabling, selected offenders throughout the country. The provost of Glasgow, the town-clerk of Glasgow, and Mr. Patrick Gillespie, the Cromwellian principal of the University of Glasgow, were among the first arrested; after whom were Mr. William Wishart, minister of Kinneil, Mr. Robert Row, minister of Abercorn, the Cromwellian Provost Jaffray of Aberdeen, Mr. John Dickson, minister of Rutherglen, Mr. James Naismith, minister of Hamilton, Mr. James Simpson, minister of Airth, and many more. On the 19th of September there was a proclamation for the suppression of all copies of Mr. James Guthrie's Protesting manifesto of 1651 called *The Causes of God's Wrath*, and of all copies of Samuel Rutherford's political treatise of 1644 called *Lex Rex*; and in the following month copies of both books were burnt in Edinburgh by the hangman. On the 20th of September there was a proclamation against the Protesters and their principles collectively, forbidding all meetings in that interest, and all speech, preaching, or writing in memory or justification of the "seditious and treasonable" sentiments of the *Remonstrance* of 1650. On the 10th of October there was a decree of fugitation or outlawry against Sir

¹ Wodrow, I. 7—9, and Appendix, Nos. II. and III.

Archibald Johnstone of Warriston, Colonel Gilbert Ker, Colonel David Barclay, John Hume, Robert Andrew, and William Dundas, all in the class of Protesters double-dyed into Cromwellians¹.

Johnstone of Warriston was the fugitive whose escape was most vexing to the authorities. He and Argyle were to have been doomed in chief together. From among the rest it was difficult to say yet with whom it would fare hardest; but the odds were greatly against Swinton of Swinton, and the two clerical arch-Protesters, Guthrie and Gillespie. But, indeed, no one knew how many here and there over the country, besides those already imprisoned, might yet be put in jeopardy. Not only had Rutherford's book been burnt, both in Edinburgh and St. Andrews, but, having been deprived of his St. Andrews principalship, he had been summoned to Edinburgh personally; and, though he had been excused meanwhile, on certificates that he was too ill to move, and indeed a dying man, he might expect farther trouble till he did die. So with Andrew Cant of Aberdeen and others².

While it was abundantly evident that the Protester variety of Presbyterianism was to be put down in Scotland, there was no sign as yet but that Scotland might still enjoy a moderate Presbyterianism, with the Westminster Assembly's standards, and perhaps even the Covenants. This, at all events, was the hope of the great body of the Resolutioner clergy. They had been observing the proceedings against the Protesters without much displeasure, though certainly with no desire of extreme or very severe punishment for Argyle, Warriston,

¹ Wodrow, I. 10—12, and Appendix, Nos. V. and VI.

² Baillie, III. 447; Life of Robert Blair, 365—366; Wodrow, I. 77—78.

Guthrie, Gillespie, or any other of the prisoners, unless it might perhaps be Quaker Swinton, for whom, as an avowed sectary of the worst sort, no proper Presbyterian could have much pity. But O that it could be made positively certain that, however it might be thought necessary to deal with the Protesters and other culprits, the national Presbyterian Church was to be preserved entire and intact! Our friend Baillie will here again be the best representative of the Resolutioners.

Baillie had been dreadfully shocked at first by the news from London that Episcopacy was to be fully restored in England. On the 16th of June he had expressed himself on the subject in a letter to his old associate the Earl of Lauderdale, the first he had written to that nobleman since two or three he had addressed to him in the Tower in 1653 and 1654. "Is the service-book read in the King's chapel?" Baillie had there asked. "Has the Bishop of Ely—I hear Dr. Wren, the "worst bishop of our age after Dr. Laud—preached "there? Has the House of Lords passed an order for "the service-book? Oh! where are we so soon? Is our "Covenant with England turned to Harry Marten's "almanack? Is the solemn oath of the Lords and "Commons, assembled in Parliament, subscribed so oft "by their hands, to eradicate bishops, turned all to "wind?" The letter is in the same strain throughout. He could never have dreamed, he says, that the English Presbyterians and Covenanters, especially those of London and Lancashire, would so easily have readmitted liturgy and episcopacy; and the wrath of God, he was sure, would follow "so hideous a breach" of the Covenant.—It is clear that, at the date of this letter, Baillie regarded the cause of Presbytery as wholly gone in England,

but that, in the midst of his grief over that calamity, he could not believe that there would be any attempt to deprive Scotland of *her* Presbyterianism, or such virtue as she might still find, for her particular purposes, in the Scottish Covenant of 1638, or even in the Solemn League and Covenant of 1643, if that were treated no longer as an international bond. And this is exactly the view of the case which Mr. James Sharp had been inculcating on the Resolutioners in his letters from Breda and the Hague, and now from London, where he remained about the King as the agent for the Kirk. He had talked with his Majesty again and again on the subject; and not only had his Majesty surprised him by the freshness of his memory "as to all things in Scotland," proved by his inquiries about this person and that by name, but there had been repeated assurances from his Majesty of his desire to preserve Scottish Presbytery. Thus, on the 12th of June, Sharp could write, "He was pleased last week to say to me, before General Monk, that he would preserve our Religion, as it was settled in Scotland, entirely to us;" and again, on the 14th of June, reporting a conversation of that very day, "He was "pleased again to profess that he was resolved to pre-serve to us the discipline and government of our "Church, as it is settled among us." To Mr. Douglas and the other Resolutioner ministers in Edinburgh these reports from Sharp were consoling. Like Baillie in Glasgow, they were grieved with the account of affairs in England, and they seem to have thought that Sharp might have exerted himself more in behalf of English Presbytery, if only by way of due exoneration of his own conscience and theirs in a matter practically hopeless; but they were very thankful that all was to be so well in

Scotland. "He is gifted to his people in return of their "prayers" five of them say of his Majesty in a joint letter to Sharp, intended for his Majesty's eye; "and their expectations are fixed on him as the man of God's right "hand, who will refresh the hearts of all lovers of Zion." Not even yet, it will be seen, had the best and most conscientious of the Resolutioner clergy recovered aught of the old Presbyterian manliness of Knox, Melville, and Henderson, or risen above sycophancy and cant¹.

There was confirmation of the hopes of the Resolutioners when, on the 31st of August 1660, Mr. Sharp arrived from London in person, bringing with him a letter from his Majesty addressed to Mr. Douglas, to be communicated by him to the Presbytery of Edinburgh, and by that Presbytery to all the other Presbyteries of the kingdom. The letter, which was dated Aug. 10 and countersigned by Secretary Lauderdale, was probably of Sharp's penning. It acknowledged his Majesty's satisfaction with the information he had received as to the behaviour and dispositions of the Edinburgh clergy and "the generality of the ministers of Scotland" in the present time of trial. "And," it proceeded, "because such "who, by the countenance of usurpers, have disturbed the "peace of that our Church, may also labour to create "jealousies in the minds of well-meaning people, We have "thought fit by this to assure you that, by the grace of "God, We resolve to discountenance profanity, and all contemptners and opposers of the ordinances of the Gospel. "We do also resolve to protect and preserve the govern-

¹ Baillie, III. 405-407; Wodrow, Introduction, 'xxv-xlix (dated extracts from Sharp's Letters). It is curious to observe how, not only in Baillie's notion at the time (p. 447), but also in Wodrow's as late as 1721 (p. 6), the Quakerism of Swinton seems to have put him justly beyond forgiveness. "Quakerism," says Wodrow, commenting on Swinton's case, "is but a small remove from Popery and Jesuitism."

"ment of the Church of Scotland, as it is settled by
 "law, without violation, and to countenance in the due
 "exercise of their functions all such ministers who shall
 "behave themselves dutifully and peacefully, as becomes
 "men of their calling." It was also promised that the
 Acts of the General Assembly of 1651 at St. Andrews
 and Dundee, acknowledged by the Resolutioners but
 held invalid by the Protesters, should be "owned and
 stand in force meanwhile," and that another General
 Assembly should be called soon, in preparation for which
 his Majesty would send for Mr. Douglas and some other
 ministers to give him their best advice¹.

His Majesty's letter of August 10, 1660, to the presbyteries and people of Scotland, was a deliberate equivocation. Our authority for so strong a statement is Clarendon. There is a very elaborate passage in his *Continuation of his Life* in which he gives an account of a debate there had been in the Scottish Privy Council in Whitehall, the King, Hyde himself, Monk, and others of the English lords of that Council being present, on the question whether it should be part of Middleton's instructions, in his capacity of High Commissioner for the King in the coming Scottish Parliament, to move at once for the abolition of Presbytery and the setting up of Episcopacy. The story is as follows:—Middleton moved earnestly in the meeting that he might begin at once in Parliament with an Act rescinding the Covenant and all other Presbyterian Acts and institutions in Scotland, "and then proceed to the erecting of bishops in that kingdom." Glencairn, Rothes, and "all the rest" of the Scots present, concurred, with the single exception of Lauderdale. For himself, Lauderdale professed now

¹ Wodrow, I. 13.

to abominate the Covenant, to have contracted the highest reverence for Episcopacy, and to desire to see it established in Scotland very soon ; but he thought it would be fatal to make the attempt in the first session of the Parliament. The Covenant was the idol of Scotland ; his Majesty himself, from his experience of the temper of the Scots and the power of their kirkmen, must know how cautiously the ecclesiastical question ought to be approached among them, and how desirable it was that Presbytery should be left intact in that part of his dominions till Episcopacy should be in full operation in the rest. He moved, therefore, that Middleton should not only receive no such instructions as he wanted, but should be restrained by express direction from stirring the Episcopacy question till farther order. "Many particulars in this discourse, confidently urged," says Clarendon, "and with more advantage of elocution than the fatness of his tongue, that ever filled his mouth, usually was attended with, seemed reasonable to many." Charles himself hesitated, and Monk inclined to Lauderdale's opinion. But Middleton and the other Scottish lords were firm to their point. Privately they knew that Lauderdale, though now disclaiming the Covenant and Presbytery, was at heart as Presbyterian, as anti-Episcopal, as ever ; but, without divulging that, they argued that Lauderdale had been so long out of Scotland that his knowledge of the state of feeling in that country was nothing in comparison with theirs. They undertook that Episcopacy could be established in Scotland without difficulty ; and they hoped his Majesty "would not choose to do his business by halves." And so, Hyde and the other English counsellors agreeing with this view, no restraint was put upon Middleton, and

the conduct of the Kirk-question in the Parliament was to be left to his own prudence and discretion.—Actually this secret decision and the King's public letter to the contrary were contemporaneous. But *was* the King's letter to the contrary? "We do also resolve to protect and preserve the government of the Church of Scotland *as it is settled by law*," was the phrase in the letter; and did not the last words save all? As law might be now interpreted, was not Episcopacy still the legal establishment in Scotland, and was not Presbytery but an illegal interposition of two-and-twenty years? True, there were other phrases in the letter which seemed to certify to the Scots that only Presbyterianism could be meant. What then? Was not the equivocal wording of public documents a part of legitimate state-craft all over the world? Middleton by no means liked this view of things. He was a soldier, and wanted to be straightforward. "For his share," he said, "he did not love that way which "made his Majesty's first appearance in Scotland to be "in a cheat." The equivocation which Middleton disliked must have been the invention of Sharp and Lauderdale. It has to be said for Lauderdale, however, that he hoped yet to trip up Middleton and the Episcopal party in the Scottish Council by some ingenuity or other, and so, by saving Scottish Presbyterianism, to save perhaps the King's word along with it. He had enormous faith in his own red head, or, as Buckingham called it, his "blundering understanding." The traitor Sharp, on the other hand, walked softly in decent black, knowing all, but not bound to explain himself¹.

¹ Clarendon, 1023—1025; Wodrow, I. 14; Burnet, I. 173—175, 184—185, and 189—191. Burnet, who knew Lauderdale well, and gives him the character of "the coldest friend and violentest enemy" he ever knew, vouches that "he was in his principles much against Popery and arbitrary government," a zealot for

Through the months of September, October, and November, the King's letter to the Presbytery of Edinburgh was in circulation through Scotland. Passive waiting and hoping for the best was all that was then left. It was something to know, from proclamation at the Cross of Edinburgh on the 1st of November, that Parliament was to meet on the 12th of December, superseding the temporary Committee of Estates. On the 10th of December, by farther proclamation, the day was postponed to Jan. 1. Early in December the Marquis of Argyle and Swinton of Swinton were brought from London by sea, to be tried by this Parliament. Argyle was conveyed through the streets to Edinburgh castle, and Swinton, with his hat taken off, to the tol-booth.

A peculiarly unfortunate incident of the same time, remarked as ominous, was the loss of that mass of the old records of the Scottish kingdom which had been taken to London in 1651, after the conquest of the kingdom by Cromwell and Monk. These, packed in "107 hogsheads, 12 chests, 5 trunks, and 4 barrels," had been lying in the Tower, and had been made over to Sir Archibald Primrose, the Scottish clerk-register, for re-transportation to Scotland. Hyde having suggested that they should be first examined, in order to the abstraction of any papers unpleasantly commemorating the King's Presbyterian professions in Scotland in 1650-1, the despatch of them had been delayed till winter. Then, very carelessly, they were sent by sea, on board a frigate called *The Eagle*, commanded by a Major Fletcher. A storm coming on, the frigate could not manage such a

Scottish independence, and so much of a Presbyterian that he "retained his aversion to King Charles I. and his party to his death."

cargo; and, as the only alternative that occurred to Major Fletcher was to throw the greater part of the records overboard or transfer a quantity of them to another vessel, eighty-five of the hogsheads were transferred from the frigate, in Yarmouth Roads, to a wretched ship of Burntisland, called *The Elizabeth*, the master of which, a John Wemyss, was compelled to receive them against his will. On her voyage north, still in the storm, this ship sprang a leak; partly because of the unusual nature of the cargo, the place of the leak could not be discovered; the ship went down, somewhere off Berwick, on the 18th of December; and there, under the water to this day, reduced to pulp or nothing, lie eighty-five hogsheads of old Scottish history.

Mr. James Sharp, who ought to have been interested in Scottish history, and especially in means of oblivion for it, must have heard of the foundering of the ship. Since his return to Scotland in August, he had been hovering between Fifeshire and Edinburgh, everywhere with the assurance that, but for mismanagement, Scottish Presbytery was safe. The demeanour of the man and his words had by this time roused suspicions among his best friends. "James, God help you!" writes Baillie significantly to him, in a letter of Dec. 17. No bishopric or archbishopric could have tempted honest Baillie; but he did not object to the principalship of Glasgow University, in succession to his bitterest personal enemy, the Protester and Cromwellian Gillespie, now removed. Lauderdale, with Sharp assisting, had obtained the King's promise of that place for Baillie some months ago¹.

¹ Life of Robert Blair, 361—369; Wodrow, I. 18; Burnet, I. 188—189; Mrs. Green's Calendar of State Papers, 1660—1, pp. 260, 402, and 419; Baillie, III.

"By letters from Edinburgh we understand that, "since the Marquis of Argyle was close prisoner and "Laird Swinton in the Tolbooth, a general face of joy "and delight is all over that place. So many coaches "and persons appear in Edinburgh since his Majesty's "happy return and these Lords' commitment as have "not in many years been seen in that city; and the "Parliament, no question, is as free as the city, the "members thereof being such as the people chose for "their good affection to their king and country¹." Such was the announcement in the London newspapers of the ceremonious opening of the Scottish Parliament by Lord High Commissioner Middleton on Tuesday, the 1st of January 1661². It may be doubted whether it conveyed to any English mind the least idea of what the actual Scottish Parliament was.

Under the name of The Three Estates, it comprehended the body of the Scottish nobility, together with repre-

411-413 and 417-418; Acts of Exoneration to Major Fletcher and Skipper Wemyss for the loss of the Scottish Records, in the printed Acts of the Scottish Parliament of 1661.—There *had* been a very careful examination of the hogsheds of Scottish records before shipping them back to Scotland, and this chiefly in order to abstract and detain that copy of the Covenant which Charles had signed in Scotland, and other papers verifying his or his father's concessions to Scottish Presbytery. The person on whom the trouble of the search was imposed was William Ryley, Clerk of the Records in the Tower (ante Vol. V. p. 287). In a letter of his, of date Sept. 7, 1660, he speaks of having had his accounts checked by Sir John Robinson, Keeper of the Tower, and the two Scottish Lords, Middleton and Newburgh. He had been "highly commended" by them "*for finding the Covenant*," and told that it should be "burnt by the hangman." On his saying that Lord Lauderdale would be displeased, "they said it mattered not "if it were hanged about his neck, if he favoured it, and that the Book of "Common Prayer would soon be settled in Scotland." On the same day there was a warrant to Ryley "to deliver to Secretary Nicholas *four volumes of papers and records at present in his custody relating to the transactions of the Parliaments of Scotland from May 15, 1639 to March 8, 1651*." Ryley had then received nothing for his labour of search; for on the 19th of December he is found petitioning the King for "such a reward, out of the excise office or elsewhere, as he thinks fitting for the extraordinary pains and charge of examining, as ordered, 107 hogsheds, 12 chests," &c. (*Mrs. Green's Calendar, of dates*). The day before Ryley's petition for his reward the Records were at the bottom of the sea.

¹ *The Kingdom's Intelligencer*, Dec. 31, 1660—Jan. 7, 1660-1.

² The Scotch then reckoned New Year's Day as we do still; in England the dating would have been Jan. 1, 1660, or Jan. 1, 1660-1.

sentative lairds or lesser barons at the rate of two sent in by the lairds of each shire, and representative burgesses elected by the various Town Councils. Altogether, there were present 77 Nobles, 56 Lairds, and 61 Commissioners of Burghs. Great care had been taken that among the elected lairds and burgesses there should be none but King's men. But, still farther to form this Parliament for the work required from it, there was a revival, at Middleton's instance, of that old device of an inner committee, or deliberating core of the Parliament, under the name of *The Lords of the Articles*, which had been found so convenient by James I, and also by Charles I. till the reforming spirit of his later Parliaments swept it away. To this committee of 12 selected nobles, 12 selected lairds, and 12 selected burgesses, was entrusted the preparation of all bills, and in fact the decision what the House should do or should not do: for the House itself all that remained was to receive the bills, and, after such brief debate as there might be, pass or reject them. The alternative of rejection in the present Parliament was merely nominal. Day after day, as bill after bill came in, they were passed almost as fast as Middleton, or Chancellor Glencairn, chose to push them through. And what bills they were! No English Parliament, certainly not the Convention Parliament, though it had settled England for Charles submissively enough, would have endured such bills for a moment. Hyde could not have tried any such course in England if he would, and would have thought himself dishonoured as an Englishman and lawyer by any thought of trying it if he could. But he had no objection to the establishment of absolute despotism in Scotland, if it could be done by native agency; and there might be a convenience

from his point of view in seeing Scotland reduced to a state of subjection incredibly below anything possible in England. At all events the soldier-earl and his rout in the Edinburgh Parliament, with Primrose as the draftsman of their chief bills, were free to plunge on, legislating in their own way, as if in iron boots, and with iron flails, tramping and thrashing a space clear for the erection of Nebuchadnezzar's image. They did not care for consistency even in their own measures. If one bill did what had already been done by another, so much the better for security; if one bill conflicted with another, a third could be applied as a patch of reconciliation; if Acts passed by former Scottish Parliaments by authority and in the interest of Charles I, or of Charles II. during his brief Scottish kingship in 1650-1, were conjoined in any repealing bill with Acts of a different character, all might go together, and the remedy might be found in Acts *de novo* on the King's behalf. Men implicated in this Middletonian phrenzy of 1661 were to look back afterwards with wonder at what they had then done and consented to. Primrose, the draftsman of the worst Acts, is one instance. "He often confessed to me," says Burnet, "that he thought he was as one bewitched "while he drew them; for, not considering the ill use "might be made of them afterwards, he drew them with "preambles full of extravagant rhetoric, reflecting severely "on the proceedings of the late times, and swelled them "up with the highest phrases and fullest clauses he "could invent." In one case Primrose had so worded an Act that, but for the interposition of another lawyer, the effect would have been stupendous beyond even Middleton's calculations. For all this mad haste and recklessness in the *manner* of Middleton's discharge of

his office (his *matter* having been predetermined coolly enough) Burnet can account only in one way. "It was "a mad roaring time," says Burnet, "full of extravagance; "and no wonder it was so when the men of affairs were "almost perpetually drunk." Middleton's style of living in his Commissionership was the most splendid the nation had yet seen. There was revel in his house all night and every night; and, when they went to Parliament in the morning, not one of them had a clear head but the insatiable Rothes¹.

A few of the proceedings of the Parliament may be enumerated specially. On the first day of their sitting, after yielding to Middleton's demand that Chancellor Glencairn should be president *ex officio*, they passed an Act confirming that rule and also imposing upon themselves an oath of allegiance and supremacy, acknowledging the King's sovereignty "over all persons and in all causes," and binding them "never to decline" the same. This oath struck at the fundamental principle of Scottish Presbytery, which denies to the civil power supremacy in spiritual causes; and, though Middleton and Glencairn explained that the oath did not mean to touch these, the Earl of Cassilis, Lord Melville, and Lord Kilburnie refused to take it, unless that exception were put on record. On the 4th of January there was a very proper order for taking down the skull of Montrose from its

¹ Acts of the Parliament as printed in the Scottish Acts; Burnet, I. 194—207; Wodrow, I. 20—31.—I ought to say of Burnet, whom it has been the fashion to discredit, that I have found his information about Scotland at this time verified in all essential particulars by contemporary records of the existence of which he cannot have been aware. At the same time, I ought to say that, if the chief legislators in the Scottish Parliament of 1661 were constantly drunk, there is no evidence of drunkenness in the *form* and *wording* of the preserved and printed Acts of that Parliament. They are very numerous; and there must have been enormous industry in preparing and drafting them, with perfect sobriety somewhere, and perfect command of the pen through portions of every day. One of them is an Act against Swearing and Drunkenness.

spike on the Tolbooth, and for the burial of the same, with his disinterred trunk from the Boroughmuir, and his collected limbs from Glasgow, Aberdeen, Perth, and Stirling, with all honours, at the King's expense. On the 11th they passed an Act declaring it to be "his Majesty's prerogative to choose officers of State, Councillors, and Lords of Session" and pronouncing all laws, acts, and practices to the contrary since 1637 to have been undutiful and disloyal; and on the same day they passed another Act, asserting it to be part of the King's prerogative to call, prorogue, or dissolve all Parliaments or political conventions, declaring all meetings without his warrant to be void and null, and repealing all Acts to the contrary since 1640, with the addition that the future impugning or questioning of anything in this Act should be accounted treason. On the 16th they issued a proclamation banishing from Edinburgh, within forty-eight hours, all persons who had been accessory to the "Remonstrance" of 1650 or to the book called *The Causes of God's Wrath*, and passed (1) An Act forbidding "convocations, leagues, or bands" without leave of the Sovereign, and reflecting on the Covenants and all such bands back to 1638, and (2) An Act vesting the sole power of peace and war in the King, as holding his crown from God alone, and declaring it to be high treason "for any subjects, upon any pretext whatsoever, to rise in arms without the King's allowance." On the 22nd they passed an Act declaring the Convention of Estates of 1643, which entered into *The Solemn League and Covenant* with England, to be null and void, and annulling also the Act of Parliament of 1644, and all other Acts, ratifying the proceedings of that Convention. On the 25th, they passed an Act

declaring "that there is no obligation upon this Kingdom, "by covenant, treaties, or otherwise, to endeavour by "arms a reformation of religion in the Kingdom of "England," pronouncing therefore the *Solemn League and Covenant* and all connected oaths or promises to be not obligatory, and forbidding the renewing of the same. There followed an Act approving of Hamilton's Engagement of 1648 and cancelling all subsequent condemnations thereof, and an Act condemning the prior Declaration of the Kingdom of Scotland in January 1647. Then there was a most comprehensive Act, imposing on all persons in any public trust, or to be appointed to such, an oath of supremacy and allegiance, formulated so as to recapitulate the Acts respecting Prerogative, or annulling the Covenants, already passed in the present Parliament, and to require sworn obedience to them all.

These and other Acts, some of them overlapping each other, had been touched by the sceptre of the High Commissioner, and so converted into statute, when Middleton, observing that none of them assaulted Presbytery directly, wanted something that should have that effect. The rescinding of the Acts of certain particular years by which Charles I. and Charles II. themselves had recognised, established, or confirmed the Presbyterian constitution of the Kirk, was the strictly correct method, but would have stirred awkward recollections and roused clamour. In this difficulty, "Primrose proposed, but half in jest, as he assured me," says Burnet, "that the better and shorter way would be to pass a "general *Act Rescissory*, as it was called, annulling all the "Parliaments that had been held since the year 1633." Such an Act, though annulling over again a good deal that had been annulled already by previous Acts, and

annulling some things that previous Acts had ratified, would have the advantage of scraping bare, as it were, the whole tract of time in which Presbytery or anything favourable to Presbytery could possibly exhibit any legal growth or lodgment, and so of effectually extirpating the plant unless it should be replanted by the King's will. But the proposition was of a monstrous character. There was no plea that could invalidate some of the Parliaments in which Charles and his father had sat voluntarily, on speculation for their own purposes and interests, except that spiritual peers or prelates had not sat in them too ; and that plea would invalidate the present Parliament itself. Accordingly, "at a private juncto," says Burnet, "the proposition, though well liked, was let fall, as not "capable to have good colours put upon it." But Middleton continued to discuss the matter with his juncto. "When they had drunk higher, they resolved "to venture on it. Primrose was then ill ; so one was "sent to him to desire him to prepare a bill to that "effect." So says Burnet ; but, in fact, Middleton also wrote to Primrose, and his letter is extant, dated March 27th, 1661. "My Lord," he says to Primrose, "the "Act that is now before you is of the greatest consequence imaginable, and is like to meet with many "difficulties if not speedily gone about. Petitions are "preparing, and, if the thing were done, it would dash "all these bustling oppositions. My Lord, your eminent "services done to his Majesty in this Parliament cannot "but be remembered to your honour and advantage. I "am so much concerned, because of the great help and "assistance I have had from you, that I cannot, without "injustice and ingratitude, be wanting in a just resentment. Now, I am more concerned in this than I was

“ever in a particular. The speedy doing is the thing I propose as the great advantage, if it be possible to prepare it to be presented to-morrow by ten o’clock in the forenoon to the [Lords of the] Articles, that it may be brought into the Parliament to-morrow in the afternoon.” Primrose did as he was bid, and drew the *Act Rescissory*. But he “perceived,” says Burnet, “that it was so ill-grounded that he thought, when it came to be better considered, it must certainly be laid aside.” Not so. The next day, March 28, it was approved, without a change, by the Lords of the Articles, brought into the House, and, though vehemently opposed by the Duke of Hamilton, the Earl of Crawford, and others, carried by a large majority. Middleton touched it with the sceptre immediately, without waiting for leave from the King. “This was a most extravagant act and only fit to be concluded after a drunken bout,” says Burnet in conclusion. Middleton, at all events, must have been perfectly sober when he wrote his note to Primrose.—Perhaps to stay the outcry against this tremendous *Act Rescissory*, there came soon afterwards *An Act Concerning Religion and Church Government*. It declared his Majesty’s resolution to maintain the Protestant religion, godliness, and sound morality, with countenance of all ministers of the Gospel behaving themselves obediently and within the bounds of their calling; and it announced that, “as to the government of the Church, his Majesty will make it his care to settle and secure the same in such a frame as shall be most agreeable to the Word of God, most suitable to Monarchical Government, and most complying with the public peace and quiet of the Kingdom.” Presbyterians might construe these phrases as well as they could; but they had at

least the annexed assurance that "in the meantime his Majesty, with the advice and consent" of his Parliament, "doth allow the present administration by Sessions, "Presbyteries, and Synods, they keeping within bounds "and behaving themselves as said is, and that notwithstanding of the preceding Act Rescissory." No word now of the General Assembly promised in his Majesty's letter of the preceding August¹.

Thus, in Parliament itself, Middleton had borne down all before him. The Earl of Cassilis, still refusing the oath of supremacy in the form in which it had been passed, was excluded from the House; and the opposition by Crawford and others had been overwhelmed. Over the country the alarm could express itself only in popular mutterings, or in such remonstrances as could be ventured on by the clergy in their pulpits, or in presbyterial meetings. The boldest commentator in the pulpit on the Acts abrogating the Covenant had been a Mr. Robert McVaird of Glasgow; and he had been brought to Edinburgh under guard, to answer for "treasonable preaching." In a graver way, but with equal steadiness, the venerable Mr. Douglas and other ministers of Edinburgh had done what they could, both by papers and by interviews with Middleton. There were still to be meetings of synods in April, at some of which there were to be demonstrations for the Covenant and against Prelacy; but even in these larger gatherings of the clergy, where they were not broken up by authority, there was to be such management that much of the business was to be turned rather into the de-

¹ Life of Blair, 371—382; Burnet, I. 197—203; Wodrow, I. 22—29, and Appendix, Nos. VII, VIII, X, XI; Baillie, III. 462—465, and Appendix, 586 (where Middleton's Letter to Primrose is given from the Wodrow MSS.); Printed Acts of the Scottish Parliament of 1661.

posing and censuring of eminent Protesters not already censured. Indeed, in aid of Middleton, a wave of feeling in favour of prelacy had begun to be visible among the Resolutioner clergy, and especially the younger clergy of that denomination, not only in Aberdeenshire and the North, where the prelatic feeling had been lurking ineradicably from of old, but even in the Lothians and other southern districts. Care had been taken to bring the cleverest of such compliant ministers to Edinburgh, to preach, in turn with Mr. Douglas and others of his steady type, before the Commissioner and the Parliament; and some of the sermons so preached had been almost undisguisedly prelatic. One preacher had called the Covenant the Golden Calf of Scotland. Mr. Sharp himself, of course, had been one of the first to preach (Jan. 6), and had delivered a very puzzling sermon; after which he had gone quietly to St. Andrews, to be inducted into one of the professorships of the New College there, and made a Doctor of Divinity, all in preparation for another mission to London, on which he was to be sent shortly by Middleton¹.

Before the Parliament had completed that series of their public Acts of which mention has been made, they were deep in the trials of Argyle, Guthrie, Gillespie, Swinton, and the other delinquents in custody. Who or how many might be the delinquents to be proceeded against eventually was still unknown, for the policy was to postpone any general Act of Indemnity as long as possible, so as to keep all in terror. There were enough in custody to begin with. Argyle's trial began on the 13th of February, Guthrie's on the 20th, Swinton's on the

¹ Wodrow, I. 31—41; Life of Blair, 373 and 384; Baillie, III. 420—421; Clarendon, 1110.

22nd, and Gillespie's on the 6th of March. Rutherford, who had been cited to appear, and would have been conjoined with Guthrie and Gillespie, died at St. Andrews, March 20th; and McVaird and the other prisoners waited their turns. The indictment against Argyle went through his whole life since 1638, fixing culpability especially on certain dated actions of his in his government of Scotland, but bringing in also his correspondence with Cromwell, and trying to fasten on him particularly the charge of having been accessory to the death of King Charles before the fact. The nature of the indictments against the others may be guessed. All made dignified appearances and able defences. Argyle strenuously denied any cognisance of the intention to put Charles to death, and expressed his detestation of the act. Guthrie and Gillespie argued powerfully for the legality of all they had done as Protesters or Remonstrants. These three had the assistance of counsel, which Swinton seems to have declined. His own appearance and demeanour in his Quaker's garb were impressive enough. The trials were protracted by adjournments from day to day, and were not at an end in April. Especially in Argyle's case there was "no lack of full hearing and debates to the uttermost," and it seemed very dubious indeed whether the Government would secure a conviction¹.

Episcopacy not having yet been set up in Scotland, though the ground had been cleared for it, we cannot end our sketch of Scotland in the first year of the Restoration, as we ended that of Ireland, with a list of actual bishops. The only Scottish bishop now alive, of

¹ Baillie, III. 465—467; Wodrow, I. 42 et seq. (for details of the trials). There is a full account of Argyle's in Howell's *State Trials*.

those that had been swept away by the Glasgow General Assembly of 1638, was Thomas Sydserf, Bishop of Galloway. He might expect his reward for having lived so long; but, as two archbishops and twelve bishops were required for the proper and complete Episcopation of Scotland, there may have been many expectants besides old Sydserf.

In April 1661, when the heads of Cromwell, Bradshaw, and Ireton had been exposed on the top of Westminster Hall for two months and more, London was astir for the grand ceremony of the Coronation of Charles.

Other preparations having been made, there was, on the 10th of April, a creation of sixty-eight knights of the Bath, in order to their attendance, in the full costume of that knighthood of the cross and red ribbon, at the coming solemnity. Among the sixty-eight were John, Viscount Brackley, and his brother Sir William Egerton, sons of the Earl of Bridgewater who had been "the elder brother" in *Comus*; also Sir Henry Hyde, eldest son of Chancellor Hyde, and Sir Rowland Bellasis, brother of Viscount Falconbridge; also Sir John Denham the poet, now in the lucrative post of his Majesty's surveyor of works, formerly held by Inigo Jones; also, unabashed in such company, the fortunate and forgiven Sir Richard Ingoldsby. Then, on the 16th, with a view to the same coming solemnity, there was a chapter of the supreme Knighthood of the most noble and illustrious Order of the Garter, in St. George's Chapel, Windsor, for the purpose of settling the arrangement of the twenty-six stalls, in two rows of thirteen each, then composing that great order. On the Sovereign's side, after the royal stall itself, were the stalls of the Duke of York, the

Prince Elector of Brandenburg, Prince Rupert, the Earl of Salisbury, the Earl of Northumberland, the Duke of Ormond, the Earl of Southampton, the Earl of Bristol, Count Marsin, the Earl of Sandwich, the Duke of Richmond, and the Earl of Manchester; and on the other side, after one stall left void, were the stalls of the Elector Palatine, the Prince of Orange, Prince Edward, the Earl of Berkshire, the Duke D'Espernon, the Marquis of Newcastle, the Prince of Tarente, the Duke of Albemarle, and the Earls of Oxford, Lindsey, and Strafford. Such of these peers as were now in England were to figure at the coronation in the dark-blue velvet mantles, crimson velvet surcoats, gold collars with the George depending, and other accoutrements, of this highest and most gorgeous representation of English heraldry. But, in addition to these peers of the supreme knighthood and the rest of the existing body of the peerage, it was thought proper that there should be a special creation of a few new peerages, to be conferred on those who had eminently served his Majesty in the Restoration or in the Convention Parliament, and had not already, like Monk and Montague, received their reward in this form. Accordingly, in the Banqueting House at Whitehall, on the 20th of April, the King created six earls and six barons, as follows:—

EARLS.

Lord Chancellor Hyde (already Baron Hyde of Hindon): created Earl of Clarendon, and Viscount Cornbury.

Arthur Annesley (Viscount Valentia in the Irish Peerage by the recent death of his father): created Earl of Anglesey, and Baron Annesley of Newport-Pagnel.

Thomas Brudenell (Baron Brudenell since 1627): created Earl of Cardigan.

Arthur Capel (Baron Capel since the execution of his father in 1648-9): created Earl of Essex, and Viscount Malden.

Sir John Greenville (the agent for the Restoration between the King and Monk): created Earl of Bath.

Charles Howard (the Cromwellian): created Earl of Carlisle, Viscount Howard of Morpeth, and Baron Dacre of Gilsland. He had been created Viscount Howard of Morpeth and Baron Gilsland by Cromwell, July 20, 1657; but that fact has sunk out of the peerage-books.

BARONS.

Sir Anthony Ashley Cooper, Bart.: created Baron Ashley.

Sir Frederick Cornwallis, Bart. (*Treasurer of the Household*): created Baron Cornwallis.

Sir George Booth, Bart.: created Baron Delamere.

Sir Horatio Townshend, Bart.: created Baron Townshend.

Denzil Holles, Esq.: created Baron Holles.

John Crewe, Esq.: created Baron Crewe.

Two days after this creation of peers, viz. on Monday, April 22, the day before the Coronation, there was, according to ancient custom, a procession from the Tower to Westminster, "in such a glorious and splendid manner that it seemed to outvie whatever had been seen before of gallantry and riches." All along the streets, and through four triumphal arches, erected in Leadenhall Street, Cornhill, Cheapside, and Fleet Street, there marched, with hurrahing and music of drums and trumpets, a regulated muster of horse-guards, equerries, esquires, chaplains, lawyers, judges, knights, sons of peers, peers themselves in their orders, great state-officers, heralds, and horse-guards again, all conveying his Majesty from the main commercial city to the more sacred suburban one where there was to be the coronation in the Abbey the next day¹.

That day, Tuesday, April 23, had been selected as being St. George's day, the anniversary of the patron saint of all England. We vote it now to have been also

¹ Phillips (*Baker's Chronicle continued*), 735—737.

the anniversary of the birth-day of Shakespeare about a hundred years before; but no one then thought much about Shakespeare's birth-day. And no wonder in such a vast bustle for the crowning of Charles as was kept up for four-and-twenty hours between Westminster Hall and the Abbey.

Early in the morning Charles was in the Hall, "arrayed in his royal robes of crimson velvet furred with ermine," and with the judges, nobles, and heralds, and the *élite* of yesterday's procession, about him, all duly robed and in their ranks, but with bishops and doctors of divinity now conspicuous in the front, and with privileged spectators looking down from the galleries. There was the ceremonious arranging of the crown, the sceptre, the various swords, the rest of the regalia, and other mystic implements that were to be borne into the Abbey. All being ready, the stately march thither began, about ten o'clock, through Palace Yard and the Gate-House, and along the end of King's Street and the Great Sanctuary, over blue cloth laid between railings all the way.—The huge assemblage once fairly marshalled in the Abbey by the heralds, all in their appointed places, whether on the floor or in galleries, including the great ladies and some fourteen or fifteen ambassadors and envoys from foreign powers, the King entered by the west door. Then there pealed out the first anthem: "I was glad when they said unto me, We will go into the house of the Lord." After a few moments of kneeling at a stool for private devotion, the King was led to that part of the Abbey where there was the raised dais with the throne of state. Then Gilbert Sheldon, the Bishop of London, did so much of the ceremony as had been arranged for this point. Turning first to the south, then to the west, and then to

the north, the Bishop, the King standing up and turning with him, called on the people three times in each direction to say whether they accepted Charles as their legitimate sovereign. The replies came in acclamations; and, the same question having been put to the nobility, there was another anthem: "Let thy hand be strengthened, and thy right hand be exalted; let justice and judgment be the preparation of thy seat, and mercy and truth go before thy face." After this there was the movement from the throne to the altar, the King surrounded by bishops and great nobles, carrying the regalia. These were placed reverently on the altar, one by one, by the Bishop of London; and then, the King kneeling, the bishop prayed: "O God, which dost visit those that are humble, and dost comfort us by thy Holy Spirit, send down thy grace upon this thy servant Charles, that by him we may feel Thy presence among us, through Jesus Christ: Amen." It was next the turn of Morley, Bishop of Worcester. Ascending the pulpit, he preached the coronation-sermon from Proverbs xxviii. 2: "For the transgression of a land many are the princes thereof; but by a man of understanding and knowledge the state thereof shall be prolonged." Sermon ended, the Bishop of London again officiated, by asking the King whether he would take the coronation-oaths, to which Warner, Bishop of Rochester, added the request, according to ancient form, that he would preserve the Bishops and the Church in their privileges. The oaths having been solemnly taken at the altar, the King again knelt, and Sheldon prayed, "We beseech thee, O Lord, Holy Father, Almighty and Everlasting God, for this thy servant Charles," &c.; and, the King still kneeling, and all the bishops kneeling, and the Dean of Westminster

kneeling, "they began the litany, the quires singing the responses." After that there were three more short prayers by Sheldon, at the end of the last of which Juxon, Archbishop of Canterbury, who was too feeble to have appeared earlier, did come forward. Standing before the altar, he spoke and was responded to as follows:—" *Archbishop*. Lift up your hearts. *Resp*. We "lift them up to the Lord. *Archbishop*. Let us give "thanks unto the Lord our God. *Resp*. It is meet and "right so to do. *Archbishop*. It is very meet and right, "and our bounden duty, that we should at all times, and "in all places, give thanks unto Thee, O Lord, Holy "Father," &c. Then came the central pageantry of all. First there was the Anointing, for which the King had been meanwhile sufficiently disrobed. It consisted in the taking by the archbishop of the holy oil which had been poured out of an *ampulla* (Latin for *bottle*) into a spoon, and in his anointing therewith, in the manner of a cross, the palms of the King's hands, and then his breast, and then his back between the shoulders, and then his shoulders themselves, and then the "two bowings of his arms," and lastly the crown of his royal head. There were suitable prayers by the archbishop and anthems by the quire during the process. After the oil-films on his Majesty's person had been "dried up with fine linen," there was the proper manipulation about him, by the archbishop or others, of the various symbolic implements from the altar. One by one, the coif, the surplice, the taffeta hose and sandals, the spurs, the sword of state, the armill or neck-bracelet, and the mantle of cloth of gold, were produced and applied, with formulas of expository incantation and blessing. All the while they had been putting St. Edward's chair

in due place right against the altar; and, St. Edward's crown having been already handled and blessed, and the King having sat down in the sacred chair, the assemblage hung breathless while the aged archbishop, bringing the crown again from the altar, placed it on the King's head. Then, through the Abbey, there rang shouts again and again of *God save the King*, till the boom of the ordnance in the Tower, fired by signal, informed those within that the whole world without knew that the superb moment had passed. When the noise had subsided, there were more prayers and anthems; and, the dukes, marquises, earls, and viscounts having put on their coronets, and the barons their caps, there was the delivery by the archbishop to the King, still seated in St. Edward's chair, of the ring and the sceptre, and the sceptre with the dove. Of the kneelings and other religious services of prayer and song that followed, and the kissing of the bishops by the King and the homagings to the King by the bishops and the peers, and the changes of place and posture in the Abbey, and the proclamation of the King's general pardon by Lord Chancellor Clarendon and heralds, and the flinging of gold and silver medals about by the Treasurer of the Household, and the readings of the Epistle and Gospel, and the intoning of the Creed by the Bishop of London, and the music from the violins and other instruments by performers in scarlet, with the bangs from the drums and blasts from the trumpets, the reckoning becomes incoherent. People were tired of these fag-ends and longed to be out of the Abbey.—Mr. Pepys, for one, who had been admitted by favour of Sir John Denham, and had been sitting in a cramped place since half past four in the morning, left the Abbey shortly after the

showering of the medals, of which he had not been so fortunate as to obtain one. He made his way, by privilege, along the railed footway into Westminster Hall, where his wife was among the ladies in one of the galleries, and where they were all waiting now to behold the coronation banquet with which the day was to be wound up, and for which the tables were already laid. Not, however, till there had been the Holy Communion in the Abbey, with the consecration of the elements, and the handing of the bread to the King by the Archbishop and the cup by the Dean of Westminster, did the great return-procession of the main personages over the footway of blue cloth fill the body of the Hall once more, and give promise of the concluding sight.—When the King did come into the Hall, crowned and sceptred, and attended in state, “under a canopy borne up by six silver staves,” and had made his way to the upper end, and the Bishop of London had said grace, and all had sat down at their several tables, there was infinite variety of amusement in observing the presentation of the dishes at the chief table, and the incidents between the courses. One of these was the entry into the Hall, just before the second course, of the King’s champion, Sir Edward Dymock, on “a goodly white courser,” all armed, and with heralds and trumpeters. After proclamation by York Herald that here was a champion ready to maintain with his life, against all comers, that Charles the Second was the lawful King of England, Dymock flung down his gauntlet, once, twice, thrice, with no challenge to the contrary, and then, having received a gold cup, full of wine, which his Majesty had tasted to his health, drank it off and backed out of the Hall. The remainder of the dinner lapsed

into some disorder, the hungry bystanders crowding round the tables, with inconvenient curiosity, to see what they could get. Mr. Pepys, by the kindness of his patron Lord Sandwich, managed to carry off from one of the tables "four rabbits and a pullet," with which, and a little bread, he withdrew into a corner, to refresh himself and some friends. It was about six o'clock in the evening when the King rose to retire, the third course not having yet been served, and so converted the remnant of the affair into a mere upstanding and cheering mob.—But, lo! just as his Majesty was going, or a little time before, what a change in the skies outside! All that day, as through the last, the weather had been remarkably fair and propitious; but now it had gloomed and had fallen "a-raining and thundering and lightening," so that people remained huddled in the Hall, talking to each other superstitiously, after his Majesty had departed. When they did disperse, it still rained and thundered. There could be no fireworks that night, and London and Westminster had to be content with bonfires. And, through the night, on the roof of Westminster Hall, by the flashes of the lightning, one might have discerned, as distinctly as through the whole ceremonial of the day, the three fixed black poles with the three skulls on their tops; and the anointed and crowned King had gone home to Mrs. Palmer; and a venerable archbishop, and a bevy of good and learned bishops about him, had done their blasphemous uttermost; and is it God or Mephistopheles that governs the world?¹

On the 8th of May 1661, a fortnight after his Majesty's

¹ Account of the Coronation by Elias Ashmole, Windsor Herald, transcribed into Phillips, pp. 738—749; Pepys under date April 23, 1661.

coronation, the new Parliament met. This new English Parliament, the second of the Restoration era, differed from its predecessor, the Convention Parliament, in being properly Charles's own Parliament, not merely adopted by him, but convoked by his writs. As the Irish Parliament met at Dublin on the same day, and as the Scottish Parliament was still sitting in Edinburgh, there were three Parliaments assembled at once in the British Islands. The Irish Parliament differed as yet in one particular from the others. The bishops were in their places in the House of Lords in that Parliament, Archbishop Bramhall presiding in the House; but the readmission of the bishops into the English House of Lords was deferred, and in Scotland bishops had not yet been made. The very first Acts of the new English Parliament, however, proved that it was likely to go to much greater lengths for Episcopacy and Prerogative universally than even the Convention Parliament. Of the 500 members of the new House of Commons the vast majority were cavaliers, old and young, ready now to show themselves Church of England men to the core; and of the Presbyterians or quasi-Presbyterians that had formed the bulk of the preceding House not above fifty or sixty had been returned to this. Charles and Hyde had now, therefore, an English Parliament that would sweep on with due impetus in the line required. As if to show how ready they were to do so, the Commons, on the 13th of May, the fourth day of their sitting, passed a resolution that every member of their House should receive the sacrament, according to the form prescribed in the Liturgy, on a certain fixed day in St. Margaret's church, and should be reported as having been seen to do so by a committee of scrutineers, on

pain of being disabled from farther attendance in the House. This did not hold out much prospect of success for the twelve Presbyterian or lately Presbyterian divines, with nine assistants, who were then, by the King's commission, engaged in a conference at the Savoy with twelve of the bishops and nine Episcopal assessors on the subject of a revision of the Liturgy. Indeed, from the first meeting of this so-called *Savoy Conference* on the 15th of April, it had been evident that the bishops meant to be as rigid as they could, and listened to the pleadings of Mr. Baxter and his colleagues only to consume time till the temper of the new Parliament should be fully ascertained. Of that there was another symptom on the 17th of May, when, by a majority of 228 to 103, it was resolved by the Commons to put the question whether "the instrument or writing called *The Solemn League and Covenant*" should be burnt by the hangman, and, the question having been put, it was resolved, without another division, that the Covenant should be so burnt. The Lords having concurred May 20, there issued a printed order of the two Houses, May 21, for the burning of the Covenant by the hangman at three places in London and Westminster on the following day, and also "that the said Covenant be forthwith taken "off the records in the House of Peers and in all other "courts and places where the same is recorded, and that "all copies thereof be taken down out of all churches, "chapels, and other public places in England and Wales, "and the town of Berwick-upon-Tweed." The burning duly took place on the 22nd, and is commemorated exultingly in the London newspapers. And that was the end in England of Henderson's famous invention of August 1643 for linking England and Scotland

permanently together. The Irish Parliament had already (May 17) expressed itself against any lingering of the Covenant in Ireland, and had decreed the Liturgy and Episcopal government to be the law of that island. The Covenant, as we have seen, though not yet actually burnt in Scotland by public order, had been declared non-obligatory by the Scottish Parliament ¹.

One day more of Restoration rejoicings was to close the famous year. Charles's birth-day, May 29, 1661, the first anniversary of his triumphant entry into London, had come round. By the Act of Parliament passed in August, this was to be the first of those anniversary thanksgivings for the Restoration that were to go on for ever in the realm of England. The Scottish Parliament had followed the example, and passed an Act for the same observation of the 29th of May "as an holiday unto the Lord" perpetually in Scotland. This was among their boldest measures, the doctrine of holidays by civil appointment being especially repugnant to Scottish Presbyterianism; but the prostrate clergy accommodated themselves as well as they could, by consenting to the celebration of the day, while not acknowledging the authority for it, or its "anniversariness." In Scotland, accordingly, no less than in England and Ireland, there was the repeated outburst on that day of those Restoration shoutings, drinkings, bonfires, cannonadings, and bell-ringings, of which the lieges never could have enough. But there was a tragic intermixture with the Scottish rejoicings. On the afternoon of the 27th of May, two days before the anniversary, the Marquis of Argyle had been beheaded by "the maiden" in the

¹ Lords and Commons Journals of dates; Parl. Hist. IV. 178—209; Baillie, III. 470; Neal, IV. 360; *Mercurius Publicus* of May 16—23, 1661.

High Street of Edinburgh; and, his head having been set up over the Tolbooth in the place where Montrose's had been, his body was being carried by his relatives to its rest in that sepulchre of the Campbells which is still to be seen, in its fine Highland solitude, on the banks of the Holy Loch. On the third day after the anniversary, June 1, the good, conscientious, brave, narrow, and utterly incompetent Mr. James Guthrie, and the less-known Captain William Govan, the blunt Protester soldier, were hanged in the same High Street of Edinburgh. The head of Guthrie was put over the Nether Bow, and that of Govan over the West Port. What might become of the other prisoners was still uncertain. Much might depend on the instructions that might come from London, whither Chancellor Glencairn and the Earl of Rothes, with Dr. Sharp in their company, had been sent by Middleton, late in April, to report the progress of Scottish affairs so far, and to consult with the King and Hyde about the remaining business of the Kirk and about farther dealings with Scottish delinquents¹.

It had been announced by the King, in his opening speech to the English Parliament, that he and his Council had agreed that his marriage with the Princess Catharine, daughter of Alphonso VI, King of Portugal, would be, in all respects, the most judicious marriage he could make, and that a treaty to that effect had been signed. At the end of the year of the Restoration, therefore, expectations of this lady were mingled with the other rejoicings.

¹ Wodrow, I. 28—29, 54—57, and 69—70; Life of Blair, 384—386; Baillie, III. 460 and 465—467; Chambers's *Domestic Annals of Scotland*, II. 274—277.

BOOK II—CHAPTER I

THE CLARENDON ADMINISTRATION CONTINUED : MAY 1661—AUGUST 1667

THAT Second Parliament of Charles which had met on the 8th of May 1661, to continue the work of the First or Convention Parliament, and which was so well fitted for the business by being almost wholly composed of thoroughgoing Church and King men, was to suffice for England, with prorogations from time to time, till January 1678-9. Accordingly, while it was still in existence, and seemed to be interminable, satirists of feeble invention amused themselves by calling it *The Long Parliament*. For historical purposes, it is now remembered as *The Cavalier Parliament*, or sometimes as *The Pensionary Parliament*. This last name was invented in commemoration of the fact that, before it came to an end, a very large proportion of the members were in the pay of the Court, or of other interests, directly or indirectly. We are concerned in this chapter only with the first six sessions of the Parliament. They were as follows :—

First Session :—May 8, 1661—May 19, 1662 (with recess or adjournment from July 30 to Nov. 20).

Second Session :—Feb. 18, 1662-3—July 27, 1663.

Third Session :—March 16, 1663-4—May 17, 1664.

Fourth Session :—Nov. 24, 1664—March 2, 1664-5.

Fifth Session (at Oxford) :—Oct. 9-31, 1665.

Sixth Session :—Sept. 21, 1666—Feb. 8, 1666-7.

As Hyde's Chancellorship, with his personal ascendancy or premiership, lasted till August 1667, or six months beyond the sixth session of the Parliament, the period of English history comprehended by the six sessions may be called conveniently THE CLARENDON ADMINISTRATION CONTINUED.

The composition of this Administration remained for a while substantially what it had been a year before. (See ante, pp. 18—20.) Six of the councillors of the Restoration year, however, were now wearing the new titles that had been conferred on them at the coronation. Hyde himself was Earl of Clarendon; Annesley was Earl of Anglesey; Howard was Earl of Carlisle; Cornwallis was Lord Cornwallis; Holles was Lord Holles; and Sir Anthony Ashley Cooper was Lord Ashley. This last was now also a Minister. On the 13th of May, 1661, he became *Chancellor of the Exchequer and Under Treasurer*. Neither the introduction of Ashley into the Ministry, nor any other change in the Council, affected Clarendon's predominance. He was still premier, and it was now with a Cavalier Parliament at his back, instead of the all but Presbyterian Parliament of the previous year, that he was able to assert his premiership by revealing fully his home policy. That was, on the one hand, to maintain the Act of Oblivion and Indemnity as it had been passed, but, on the other hand, to perfect the Restoration by crushing down all principles and relics of the twenty years of Revolution, re-erecting the English monarchy very much as it had been in the reign of Charles the First, and re-establishing also Laud's absolute high-episcopal Church of England.

His first difficulty, in the temper of the new Parliament

in its first session, was to save the Indemnity Act. The cavaliers looked back on the Convention Parliament as an illegal make-shift, all whose acts required revision. The Indemnity Act in particular was one they would fain have disturbed, in order to exact greater reparations from the Commonwealthsmen for the benefit of complaining Royalists and their families. Not till July 8, 1661, after messages from the King that "his honour was concerned," was this business cleared by the presentation for his Majesty's assent of an Act for confirming all the chief Acts of the Convention Parliament, that of the Indemnity included. The two Houses were then free to go on with their own legislation, and the first results appeared in a series of bills presented to his Majesty at their adjournment on the 30th of July. Among these, all assented to by his Majesty that day, were the following:—

"An Act for safety and preservation of his Majesty's person and government against treasonable and seditious practices and attempts." By this Act not only were all designs for the King's death or deposition to be capital, but it was to be punishable to affirm the King to be a papist or a heretic, or to write, print, preach, or speak against the established government, or to maintain the legality of the Long Parliament or the Solemn League and Covenant, or to assert a legislative power in either or both Houses of Parliament without the King.

"An Act for repealing an Act of Parliament, entitled, 'An Act for disenabling all persons in holy orders to exercise any temporal jurisdiction or authority.'" The Act so repealed was that Act of the Long Parliament to which Charles I. had given his assent at Canterbury on the 13th of February, 1641-2 (Vol. II. p. 351). Bishops were now to be restored to their places in the House of Lords, and they or other clergymen might exercise civil offices.

"An Act against Tumults and Disorders upon pretence of preparing or presenting petitions or other addresses to his Majesty or the Parliament." It prohibited, under pain of fine and imprisonment, the getting up of any petition or remonstrance signed by more than twenty persons, unless

with leave from three justices of peace or the majority of the grand jury in counties, or, in London, from the Lord Mayor and Common Council. It also prohibited the appearance of more than ten persons at the presentation of any petition or remonstrance to either House or to his Majesty.

"An Act declaring the sole right of the Militia to be in the King." This was a surrender to the Crown of that great prerogative which the Long Parliament had contested, and their contest about which with Charles I. had been the immediate occasion of the Civil War in 1642 (Vol. II. pp. 354—355).

"An Act declaring the pains, penalties, and forfeitures imposed upon the estates and persons of certain notorious offenders excepted out of the Act of Free and General Pardon, Indemnity, and Oblivion." Precluded from disturbing the Indemnity Act, the Parliament sought a partial satisfaction in this supplement to it. The four dead regicides-in-chief being already attainted, this Act confiscated the estates of the other twenty dead Regicides, excepted in the Indemnity Bill but not yet completely disposed of, enumerating them by name (see list ante, p. 63). But it added to the list the six living regicides whom the bill had not made absolute capital exceptions,—to wit, James Challoner, Sir James Harrington, Sir Henry Mildmay, Lord Monson, Robert Wallop, and John Phelps (see ante, p. 64),—and also Sir Arthur Hasilrig, who had been left, on general political grounds, in the same predicament of a delinquent excepted, but not capitally. By the present Act the estates of those seven persons also were to be absolutely forfeited, while for the six regicides among them there was a peculiar addition. They could not be hanged now without breaking the Indemnity Bill, but they could be brought to ignominy and the very verge of being hanged. It was enacted, therefore, that the three of the six bearing titles should be degraded from the same, and that Mildmay, Monson, and Wallop, the only three of the six then in custody, should be prisoners for life, and should be liable to be drawn through the streets on sledges, with ropes about their necks, to the gallows at Tyburn, and thence back to prison.

These Acts and others, passed before the adjournment of the two Houses on the 30th of July, proved the concurrence of the Parliament with Clarendon's policy for perfecting the Restoration. But no sooner had it

reassembled after the adjournment (Nov. 20, 1661), the bishops then in their places in the Lords, than the work was resumed with fresh energy. A bill which had been brought into the Commons before the adjournment for executing the nineteen regicides lying in the Tower or elsewhere under capital sentence, but respited by the Act of Indemnity till there should be such a special Act, was pushed through that House successfully, most of the poor wretches themselves having been brought before the House in the course of the debate to be again questioned and gazed at; and, though this bill was dropped in the Lords, doubtless with Clarendon's approval, an order of the Commons to the Attorney-General for the capital prosecution of the two non-regicide prisoners, Vane and Lambert, was to take independent effect. But we may pass at once to the end of the first session of the Parliament on May 19, 1662. They had then, with the King's assent, added over thirty public bills, besides about forty private bills, to their produce before the adjournment; and among the public bills were the following:—

The Corporations Act (Dec. 20, 1661):—Under the name of an Act for “the well-governing and regulating of corporations,” this was, in fact, an Act for ejecting from Town Councils and other Corporations all who were not of thorough cavalier principles. It required all Mayors, Aldermen, Recorders, Bailiffs, Town-Clerks, Common Councillors, and other civic officers, to take not only the ordinary oaths of allegiance and supremacy, but also an oath renouncing the Solemn League and Covenant, and a special non-resistance or passive obedience oath, in these terms: “I do declare and believe that it is not lawful, upon any pretence whatsoever, to take arms against the King, and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him: so help me God.” Commissioners were to be appointed to see to the execution of the Act; and

it was also enacted that none should be admitted as magistrates "for ever hereafter" who had not, within a year before their election, "taken the sacrament of the Lord's Supper according to the rites of the Church of England."

Act against the Quakers (May 2, 1662):—All Quakers or other persons refusing to take an oath required by law, or persuading to such refusal, or maintaining by speech or print the unlawfulness of oaths, and in particular all Quakers meeting for worship "to the number of five or more," were to be fined £5 for the first offence, and £10 for the second, or, failing to pay such fines, were to be imprisoned with hard labour for three months for the first offence, and six months for the second. Offenders, on third conviction, might be banished to the Plantations.

The Act of Uniformity (May 19, 1662):—This famous Act was the death-blow at last to all those hopes of a comprehension of the Presbyterians within the Established Church which had been kept up during the sitting of the Convention Parliament, and confirmed by the King's pledged word in his *Ecclesiastical Declaration* of October 1660. In that Declaration (ante, pp. 120-124) it had been promised that the constitution of the new Church of England should be that of a Limited or Moderate Episcopacy, with Presbyters partaking largely in the spiritual jurisdiction, with a carefully revised Liturgy, and without extreme pressure of ceremonies. There had been ample signs since then that the King, Clarendon, and the bishops, had trampled that temporary document under foot, and that it was the highest possible Episcopacy, an Episcopacy as rigid and florid as Laud's, that was to be imposed upon England. But this Act of Uniformity, the result of the deliberations of the two Houses, exceeded all previous belief. Its main enactment ran thus:—"That every parson, vicar, or other minister whatsoever, who now hath and enjoyeth any ecclesiastical benefice or promotion within this realm of England or places aforesaid, shall, in the church, chapel, or place of public worship belonging to his said benefice or promotion, upon some Lord's day before the Feast of St. Bartholomew which shall be in the year of our Lord God 1662, openly, publicly, and solemnly read the morning and evening prayer appointed to be read by and according to the said Book of Common Prayer [the old Liturgy, with some verbal alterations and additions made by the Bishops and Anglican Clergy in Convocation], at the times thereby appointed; and, after such reading thereof, shall openly and publicly

"before the congregation there assembled declare his un-
 "feigned assent and consent to the use of all things in the
 "said Book contained and prescribed, in these words and no
 "more : 'I do here declare my unfeigned assent and consent
 "to all and everything contained and prescribed in and by
 "the book entitled *The Book of Common Prayer and Ad-
 "ministration of the Sacraments, and other rites and
 "ceremonies of the Church according to the use of the Church
 "of England, together with the Psalter or Psalms of David,
 "printed as they are to be sung or said in churches, and the
 "form or manner of making, ordaining, and consecrating of
 "Bishops, Priests, and Deacons*': And that all and every
 "such person who shall (without some lawful impediment, to
 "be allowed and approved of by the Ordinary of the place)
 "neglect or refuse to do the same within the time aforesaid
 "(or, in case of such impediment, within one month after
 "such impediment removed) shall *ipso facto* be deprived of
 "all his spiritual promotions; and that from thenceforth it
 "shall be lawful to and for all Patrons and Donors of all
 "and singular the said spiritual promotions or of any of
 "them, according to their respective rights and titles, to
 "present or collate to the same, as though the person or
 "persons so offending or neglecting were dead." The Act
 then went on to provide for the acknowledgment and use of
 the Book of Common Prayer by all future ministers; and it
 farther enacted that all clergymen of every rank, all heads
 and fellows of Colleges, all University professors and
 lecturers, all schoolmasters, and private tutors in families,
 should before the same Feast of St. Bartholomew 1662
 subscribe a formula including, (1) the Non-Resistance or
 Passive Obedience Oath prescribed for Civic Officers in the
Corporations Act, (2) An oath of Conformity to the Liturgy,
 and (3) An oath renouncing the Covenant. The penalty for
 default in each case was to be loss of office. Yet farther
 it enacted that all public preaching by persons disabled by
 this Act should subject offenders to three months' imprison-
 ment for each offence, and also that no one should be a
 schoolmaster or private tutor in a family without "license
 obtained from his respective Archbishop, Bishop, or Ordinary
 of the Diocese," under pain of three months' imprisonment
 for the first offence, and the same and a fine of £5 for every
 subsequent offence. It enacted, moreover, that, after the
 said Day of St. Bartholomew, or Aug. 24, 1662, no one
 should be a minister of the Church of England, or should
 administer the sacrament, who had not by that time, what-

ever his previous ordination or calling, received due episcopal ordination, the penalty for every offence to be £100.

Act Settling the Militia in Counties (May 19, 1662). In an Act to this effect there were clauses requiring that every Lieutenant or Deputy-lieutenant of a county, and every militia officer or soldier, should take, in addition to the Oaths of Supremacy and Allegiance, the Passive Obedience Oath imposed by the Corporations Act and the Act of Uniformity.

A new Press Act (May 19, 1662):—By this Act a universal Censorship of the Press was re-established. Every law-book or law-pamphlet was to require the licence of the Lord Chancellor, or one of the Chief Justices, or the Chief Baron; books of history and politics were to be licensed by one of the Secretaries of State; books of heraldry by the Earl Marshal; and all other books, whether of poetry, prose-fiction, philosophy, science, or divinity, by the Archbishop of Canterbury or the Bishop of London. These Licensers-in-chief might, of course, act through deputies. There were to be severe penalties for press offences, and powers of search for detecting such. The Act was to be in force for two years¹. It was renewed, however, in subsequent Sessions, so as to remain an Act of Charles till 1679.

Such were the most characteristic enactments of the second year of the Restoration and of Clarendon's Premiership. Of the unabated royalist revengefulness of which they were the formal outcome there had been several less formal proofs during the sitting of the Parliament.—In September 1661, by authority of a royal warrant to Dr. Earle, Dean of Westminster, dated the 9th of that month, and signed by Secretary Nicholas, the bodies of about twenty persons who had been buried in Westminster Abbey since 1641 were dug up and thrown promiscuously into "a pit in St. Margaret's churchyard adjoining." Among them were the bodies of John Pym, Admiral Blake, Admiral Dean, Dr. Isaac Dorislaus,

¹ Statutes at Large, with references to Lords and Commons Journals, and to Parl. Hist.

Colonel Humphrey Mackworth, Thomas May, the poet and historian, Dr. Twisse, the prolocutor of the Westminster Assembly, and Stephen Marshall, the Smectymnuan. The bodies of four women, named in the same warrant, were taken from their graves at the same time and buried in the same pit. One was the body of "Mrs. Elizabeth Cromwell," the Lord Protector's venerable mother, who had been buried in the Abbey four years before himself; the others were the bodies of "Mrs. Desborough," Cromwell's sister, "Anne Fleetwood," apparently an infant grand-daughter of his, and "Mrs. Bradshaw," probably the wife of President Bradshaw. Among "the Cromwellian bodies," as Wood calls them, so dug up, the omission of that of Lady Claypole, Cromwell's favourite daughter, can hardly have been accidental. *Her* body was permitted to remain in the chapel of Henry VII, where it had been buried in August 1658.—Equally symptomatic in another way had been the hanging, drawing, and quartering, on the 26th of December, 1661, of John James, a preacher of the "Seventh-Day Baptist" denomination, for what was called treasonable language in the pulpit. They wanted an example from among such preaching sectaries, and had dragged this poor man, as suitable for the purpose, out of his conventicle in one of the city alleys, where detectives had been catching his words. His wife having gone with a petition for him to the king, his Majesty's reply, on learning her errand, was "O! Mr. James! he is a sweet gentleman"; and, on going a second time, she had again been turned away.—Then, on the 27th of January, the anniversary of the sentence of death on King Charles, Lord Monson, Sir Henry Mildmay, and Robert Wallop, the three regicide judges in the Tower

whose lives had been spared by the Indemnity Act, and who had been doomed only to perpetual imprisonment, were duly, according to the Act of July 30, carted from the Tower to Tyburn, and thence back, with the ropes round their necks. It was intended that the ceremony should be periodical so long as the criminals should be alive.—But, not long after, London had the pleasure of seeing a real and completed execution of three others of the regicides. Barkstead, Corbet, and Okey, fugitives since the Restoration, had been caught in Holland by the activity of Sir George Downing, now resident for Charles there, as he had formerly been for Cromwell. Having traced them to Delft under false names, he had procured an order from the States for their arrest. In such cases of reluctant extradition it was usual for the States to save their conscience by giving private warning to the offenders, with time to escape ; but Downing was too quick. Having gone himself to Delft, he had seized the three together in the same room, “sitting by a fire-side, with a pipe of tobacco and a cup of beer,” and, though with some demur among the Dutch, had shipped them home in a frigate. Taken on sledges from the Tower, Barkstead eating something, Okey sucking an orange, and Corbet reading a book, they were hanged, drawn, and quartered at Tyburn on Saturday, the 19th of April, 1662. There seems to have been some pity for them, and Downing’s part in the matter did not increase his popularity. It was remembered that at one time he had “owed his bread” to Okey, having begun life in England as a chaplain in Okey’s dragoon regiment ; and so “all the world,” Pepys tells us, “takes notice of him for a most ungrateful villain for his pains.” But he was a prosperous gentleman, M.P. for Morpeth in the Parlia-

ment, his Majesty's envoy in Holland, and had the Earl of Carlisle's sister for his wife¹.

The Portuguese Infanta, Catharine of Braganza, had arrived in England just before the prorogation of the Parliament, conveyed from Lisbon by the Earl of Sandwich. Charles met her at Portsmouth; where they were married, according to the English service, by Sheldon, Bishop of London, on the 21st of May, 1662, having been previously married, according to Romish rites, by the Abbé Lord Aubigny, a kinsman of the King. Thence they came, on the 29th, Charles's birthday, to Hampton Court, where they lived in state till the end of August, the new Queen forming her first acquaintance with English ways, and undergoing in particular the dreadful discipline of being compelled, though after tears, protests, faintings, sulkings, and mad little rages, to receive Mrs. Palmer. That lady, however, was Mrs. Palmer no longer. She was Countess of Castlemaine, a patent having been made out in the preceding December for creating her husband Earl of Castlemaine and Baron of Limerick in the Irish peerage. The new Earl, congratulating himself on the King's marriage, wished to be reconciled to his wife; but, as the arrangement did not suit, they again parted company. On the 15th of July she removed from London to Richmond, to be near Hampton Court. She had already been there, and had been presented by the King to the Queen for the first time, within a day or two after their arrival in the palace. The first outbreak had been then, but six weeks had tamed the spirit of the poor

¹ Colonel Chester's *Westminster Abbey Registers*, pp. 521—523 (warrant for disinterring the Cromwellian bodies, with notes to the several names); Wood's *Fasti*, I. 371—372 and II. 153; Neal, IV. 477—484 (Supplement by Toulmin); Pepys, Jan. 27, 1661—2, and April 17 and 19, 1662; *Mercurius Publicus* of March 6—13 and March 13—20, 1661—2, and of April 10—17 and April 17—24, 1662; Sibley's *Graduates of Harvard University*, I. 28—53 (Memoir of Downing).

little foreigner. She was a very little lady, of dark complexion, and rather flat and broad form, "not very charming," and with an upper tooth too projecting, but altogether with a good, modest, and innocent look, "and some wit and sense." Charles's account of his first impression of her was that "he thought they had brought him a bat." The Portuguese ladies she had brought with her, old and young, were sad frights¹.

While the King and the new Queen were spending their honeymoon at Hampton Court, with no lack of brilliant company, there was the trial of Vane and Lambert in London. It began on the 2nd of June. The principle on which they were tried was that Charles II. had been King *de facto*, as well as *de jure*, from the moment of his father's death, and that therefore their actings through the Commonwealth had been high treason; and the conduct of the trial, even on this "senseless sophistry," as Hallam calls it, was grossly unfair. Vane behaved with great boldness, while Lambert was studiously submissive. On the 11th both were found guilty. It depended then on the King whether he would keep his promise given to the two Houses of the Convention Parliament in answer to their joint petition of Sept. 5, 1660. The petition had been that, if Vane and Lambert should be attainted, yet his Majesty would be pleased to remit "execution as to their lives"; and the

¹ Pepys in several passages between May and September 1662; Clarendon, 1085—1092; Burnet, I. 298—300, with note by the Earl of Dartmouth. In the Appendix to Vol. XII. of Dr. Lingard's History of England (2nd edition) there is printed an extract from a letter of Charles to Clarendon among the Lansdowne MSS. on the subject "of making my Lady Castlemaine of my wife's bedchamber." It is very characteristic, and reminds one of a boar showing his tusks. "If you will oblige me eternally, make this business as easy to me as you can, of what opinion soever you are of; for I am resolved to go through with this matter, let what will come of it, which again I solemnly swear before Almighty God . . . And whosoever I find to be my Lady Castlemaine's enemy in this matter, I do promise upon my word to be his enemy as long as I live."

King's answer stands recorded in the Lords' Journals of Sept. 8 in these terms, "The Lord Chancellor reported "that he had presented the petition of both Houses to "the King concerning Sir Henry Vane and Colonel "Lambert, and his Majesty grants the desires in the "said petition." The King had now changed his mind. Having heard of the bold behaviour of Vane at the trial, he had written to Clarendon from Hampton Court on the 7th of June, commenting on the same, and adding, "If he has given new occasion to be hanged, certainly he "is too dangerous a man to let live, if we can honestly "put him out of the way." Honestly or not, they did put him out of the way. The sentence pronounced on him on the 11th was that of hanging, disembowelling, quartering, &c., at Tyburn; but, on the intercession of his relatives, this was commuted into beheading on Tower Hill. On the 14th of June his head was there struck off, after he had made a long and undaunted speech, amid interruptions from drums and trumpets posted under the scaffold. He was fifty years of age. Lambert, who was about eight years younger, was to live for thirty years more¹.

The fatal day of St. Bartholomew was Sunday, August 24, 1662. Everybody knows what happened then. About 2000 of the clergy of the Church of England, or considerably over one-fifth of the entire body, found themselves ejected from their livings because they had not complied with the conditions of the Act of Uniformity while about 500 more, who had either already been ejected on independent grounds since the Restoration, or had been engaged as preachers in training for livings,

¹ Burnet, I. 277—280; Hallam, II. 325—328; Lords and Commons Journals of Sept. 5 and 8, 1660; Pepys, June 14, 1662.

found themselves silenced, and incapacitated for the clerical profession. The following table exhibits the ascertained or calculated proportions of the sufferers, ejected and silenced together, in the different parts of the kingdom :—

London, Westminster, and Southwark . . . 119	Leicestershire . . . 47
Oxford University . . . 56	Lincolnshire . . . 52
Cambridge University . . 46	Middlesex . . . 36
Bedfordshire . . . 16	Norfolk . . . 78
Berkshire . . . 31	Northamptonshire . . 61
Buckinghamshire . . . 34	Northumberland . . 44
Cambridgeshire . . . 19	Nottinghamshire . . 40
Cheshire . . . 54	Oxfordshire . . . 27
Cornwall . . . 50	Rutlandshire . . . 8
Cumberland . . . 30	Shropshire . . . 50
Derbyshire . . . 46	Somersetshire . . . 104
Devonshire . . . 142	Staffordshire . . . 56
Dorsetshire . . . 67	Suffolk . . . 105
Durham . . . 29	Surrey . . . 28
Essex . . . 133	Sussex . . . 77
Gloucestershire . . . 60	Warwickshire . . . 45
Hampshire . . . 59	Westmoreland . . . 9
Herefordshire . . . 18	Wiltshire . . . 66
Hertfordshire . . . 35	Worcestershire . . . 42
Huntingdonshire . . . 9	Yorkshire . . . 144
Kent . . . 85	Wales . . . 93
Lancashire . . . 97	Total . . 2447 ¹

¹ Compiled from Calamy's *Nonconformists' Manual*, methodized by Samuel Palmer, edition of 1802 in three volumes octavo. There is an Appendix there of twenty-five more who were silenced, raising the total to 2472. This includes, however, Independents, Baptists, and others who had been ejected before St. Bartholomew's Day, and also a small percentage who afterwards conformed and went back. The Index to the volumes enumerates the *ejected* at about 2300, of whom in round numbers 2000 are usually debited to St. Bartholomew's day itself. There are memoirs or notices of most of the ejected and silenced in the volumes, with lists of the writings of a great many of them, still remembered more or less in the Nonconformist world. The list of the more eminent includes Joseph Alleine, Dr. Samuel Annesley, Simeon Ashe, Dr. William Bates, Richard Baxter, Edward Bowles, William Bridge, Thomas Brooks, Dr. Cornelius Burges, Edmund Calamy, senr., Edmund Calamy, junr., Joseph Caryl, Thomas Case, Daniel Cawdrey, Stephen Charnock, Samuel Clarke, Dr. John Conant, Samuel Cradock, William Dell, Thomas Doolittle, John Flavel, Dr. Thomas Goodwin, John Goodwin, Thomas Gouge, William Greenhill, Richard Heath (Milton's friend and pupil), Philip Henry (father of Matthew Henry), Oliver Heywood, John Howe, Arthur Jackson, Henry Jessey, Dr. Henry Langley, Samuel Lee, Nicholas Lockyer, Dr. Thomas Manton, Dr. Increase Mather, Matthew

The wrench to English society represented by this table must have been terrible at the time. It was not only the dissettlement of so many families, the breaking of old links, the exchange of a customary certainty of livelihood for the uncertainty of any substitute that might be provided by free personal exertion or by voluntary contributions from immediate adherents and a sympathetic public. In comparing the great English Church-disruption of 1662 with any similar, though smaller, secession or ejection from an Established Church in the British Islands, this has to be remembered. In these later cases there have been organization and calculation of funds beforehand, with freedom of personal activity afterwards, and of appeal for voluntary assistance and support. No such thing then. The trade of teaching to which some of the ejected might naturally have betaken themselves was foreclosed against them by the very Act that had ejected them; continued preaching in any public manner to voluntary congregations of adherents was at the peril of all; organization for their support collectively, or open collection of money for any of them, would have been treated as sedition and defiance of the law. This explains much in the contemporary accounts of the hardships that then began. "Hundreds of able "ministers, with their wives and children," says Baxter, "had neither house nor bread. . . . The people's poverty "was so great that they were not able much to relieve "their ministers. The jealousy of the State and the "malice of their enemies were so great that people

Newcomen, Philip Nye, Dr. John Owen, John Oxenbridge, Matthew Poole, Vavasour Powell, John Ray (the naturalist), Dr. Gilbert Rule, Dr. Lazarus Seaman, Dr. William Spurstow, Dr. Edmund Staunton, John Tombes, Dr. Anthony Tuckney, John Wesley (grandfather of John Wesley), Dr. Henry Wilkinson, Daniel Williams.

"that were willing durst not be known to give to their ejected pastors, lest it should be said that they maintained schism, or were making collections for some plot or insurrection. . . . Some of them thought that it was their duty to preach publicly in the streets or fields while the people desired it, and not to cease their work for fear of men, till they lay in jails or were banished. Others thought that a continued endeavour to benefit their people privately would be more serviceable to the Church than one or two sermons and a jail, at such a time when the multitudes of sufferers, and the odious titles put upon them, obscured and clogged the benefit of sufferings." All other contemporary authorities tell the same tale as Baxter. "Though they were as frugal as possible," says one, "they could hardly live. Some lived on little more than brown bread and water; many had but eight or ten pounds a year to maintain a family, so that a piece of flesh has not come to their tables in six weeks' time; their allowance could scarce afford them bread and cheese. One went to plough six days, and preached on the Lord's day. Another was forced to cut tobacco for a livelihood¹."

But the consequences of the St. Bartholomew to English society were not exhausted within the lives of the

¹ Baxter, I. 384—390; Neal, IV. 380—390 (with quotations from a tract called *Conformist Plea for the Nonconformists*); Burnet, I. 312—322.—An endless question between the Church of England and the Nonconformists, not uninteresting historically, is the question which was the worse persecution, affected the greater number, and caused most misery,—the ejection of Puritan ministers in mass after the Restoration, represented in Calamy's *Nonconformists' Manual*, or the prior ejection of so many of the old Church of England clergy at various times during the twenty years of Puritan ascendancy, represented in Walker's *Sufferings of the Clergy*. The question involves reciprocal challenges of the accuracy of Calamy's statistics on the one side and of Walker's on the other. See ante, Vol. III. pp. 28—30, Vol. IV. p. 571, and Vol. V. pp. 52—53 and pp. 61—64; and compare Hallam's *Constit. Hist.* (10th edit.), II. 164—166 and II. 340—342, for a calm estimate.

immediate sufferers. It is from that date that there has come down, in the sense in which we now understand it, the great division of the English people into THE CHURCH OF ENGLAND and THE NONCONFORMISTS. There had been Nonconformity, both name and thing, in various fashions, long before ; but now the word acquired a definite significance. All who had remained adherents of the State Church in August 1662 on the terms of the Act of Uniformity of the preceding May, and all that might succeed them in that adherence, were and were to be THE CHURCH OF ENGLAND ; and all that had not so adhered, or might in future not so adhere, were and were to be THE NONCONFORMISTS. Nay, the subdivisions of each body were then established very much as they have lasted since. The necessity and obligation of Diocesan

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Episcopacy ; the necessity and obligation of Episcopal ordination for all the clergy ; the use of the Liturgy and a defined ritual in worship ; acceptance of State-control in the Church ; avowed recognition of monarchical government in the Stuart line as of divine right or nearly so, with commensurate reprobation of the Commonwealth and of the memory of Cromwell ; profession also of the doctrine of passive obedience, or the duty of non-resistance to the Crown in any contingency whatsoever :—these, indeed, were now the principles of the Church of England, standing on legal record, and to which all within the Church officially were pledged in common. But there were diversities of temper, diversities of prior belief and education, different degrees of conscientiousness, and consequent differences in the interpretation of the oaths and standards that had been accepted ; and so, then as now, the CHURCH OF ENGLAND CLERGY, though all massed together in a Church constituted on the

principles of a very high Episcopacy, were seen to distribute themselves into,—(1) *High Churchmen*, approving of the principles of the constitution, and thinking none others right; (2) *Latitudinarians*, or *Broad Churchmen*, accepting the constitution as convenient, or on the whole the best, though they would not themselves have pushed for it by any such means as the ejection of the Presbyterians and Independents; and (3) *Low Churchmen*, consisting mainly of Presbyterians who had conformed from hard necessity, reconciling themselves to Episcopacy rather than starve, and trying to retain their Calvinism. The distribution of the NONCONFORMISTS, of course, was into (1) *The Presbyterians*, (2) *The Independents proper*, (3) *The Baptists*, (4) *The Miscellaneous Sectaries*, among whom *The Quakers* were now by far the most considerable both for numbers and for courage. Whether the ROMAN CATHOLICS were to be classed with the Nonconformists generally, and whether among the sectaries in that body, were questions of speculative politics. Practically, they stood apart.

Towards the end of the year 1662, Clarendon, looking about him, must have been contented, on the whole, with the success so far of his policy for perfecting the Restoration. The success, in some respects, had outgone his own expectations and efforts. In recollection of the King's promises from Breda and subsequent declarations, he had thought himself bound, on several occasions through 1661 and 1662, to do something towards retaining the Presbyterians, or some of them, within the Church. Even while the Act of Uniformity was passing through the Lords, he had favoured the proposal of a clause for enabling the King to suspend it, or temper its

application in practice. These, however, seem to have been mere hesitations in the interest of good faith ; and when the zeal of the bishops and High Church party had swept away the notion of any concession whatever to the Presbyterians, Clarendon seems to have felt himself relieved from a coil of difficulties. In the *Continuation of his Life* he even suppresses the mention of his latest efforts towards a compromise with the Presbyterians, and adopts the high-handed policy with them as having been truly and heartily his own from the first. "It is an unhappy policy, and always unhappily applied," he says, "to imagine that that classis of men can be recovered and reconciled by partial concessions." Again, of the Act of Uniformity he says, "The Chancellor was one of those who would have been glad that the Act had not been clogged with many of those clauses which he foresaw might produce some inconveniences ; but, when it was passed, he thought it absolutely necessary to see obedience paid to it without any connivance." Accordingly, he had been greatly troubled when he found that the King had been so "irresolute" as to yield to the importunacy of the Presbyterian petitioners, and promise them, after the Act had passed, that its operation should be suspended ; and, though, at a conference on the subject with the King at Hampton Court, he had said that he "should not dissuade his Majesty from doing what he had promised," he had been glad when the contrary opinion prevailed, and the King had declared himself willing to see the law take its course. All that had been done in Church and State to the end of 1662 had therefore, we repeat, been Clarendon's own, or substantially Clarendonian ¹.

¹ Clarendon, 1075—1082 ; Christie's *Life of Shaftesbury*, I. 262—264.

There had by this time been some changes in the Privy Council and Ministry round Clarendon. It had been a gain to him that the Act of July 30, 1661, re-admitting the bishops to the House of Lords and ecclesiastics generally to civil offices, had enabled the King to call Archbishop Juxon and Bishop Sheldon into the Council. Juxon was old and feeble; but Sheldon's energy had made itself felt, and was to be felt still more after August 1663, when, by the death of Juxon, he was to be promoted from the bishopric of London to the primacy. Again, Viscount Say and Sele having died in April 1662, the office of *Privy Seal* had gone to Lord Roberts, to compensate him for the *Lord Deputyship of Ireland*, his tenure of which had been annulled by the re-appointment of Ormond, Nov. 2, 1661, to his former dignity of the *Lord Lieutenancy of Ireland* complete. In the same month Prince Rupert, who was henceforth to reside mainly in England, and the versatile and sumptuous Duke of Buckingham, had both been brought into the Council together. None of these changes, all made before the King's marriage, had indicated any desire on the King's part to check Clarendon's premier-ship or to thwart his policy. The same cannot be said of some appointments by the King now to be mentioned. In October 1662, old Sir Edward Nicholas, Clarendon's faithful adherent, having been induced to retire from his *Secretaryship of State*, with £10,000 as a compensation, the person appointed to succeed him was Sir Henry Bennet, who had been Charles's envoy in Spain and his companion in his remarkable visit to that country in 1659. About the same time Sir Charles Berkeley, hitherto *Comptroller of the Household*, and a prodigious favourite with Charles and the Duke of York, notwithstanding his

infamous conduct in the matter of the duke's marriage with Clarendon's daughter, was promoted to the *Treasurership of the Household*, left vacant by the death of Lord Cornwallis in the preceding January, and the *Comptrollership* went to Sir Hugh Pollard, M.P. for Devonshire¹. There was a significance, unfavourable for Clarendon, in these appointments. But this requires explanation.

It was from no mere "irresoluteness" that the King had hesitated about the Act of Uniformity, and proposed to suspend it in favour of the Presbyterians. It was because he had a secret, though indolent, policy of his own, distinct from Clarendon's.

Though it had been made penal by Act of Parliament to say that Charles was a Roman Catholic, we are able now to defy the Act of Parliament. Charles had come into England a Roman Catholic, and had remained such all the while that his Prime Minister had been re-establishing in his name the Protestant Episcopal Church of England. No need to go back upon the question when and where Charles was converted to Roman Catholicism, or upon the question how far Clarendon, who had again and again proclaimed to the world the King's exemplary constancy to the Protestant religion, had voluntarily refrained from too minute inquiry. The very necessity for a Parliamentary enactment against calling the King a Papist shows what was the public gossip, and Clarendon had better means of information than the public. But Clarendon cannot have known, Clarendon would have to shoot himself had he known, the full state of the case. This was that Charles was not only a Roman Catholic, but had since his Restoration been

¹Particulars and dates gathered from Clarendon, *British Chronologist*, *Beaton's Political Index*, *De Brett's Peerage*, and *Anthony Wood*.

cherishing that design of bringing the British Islands back with himself to the Church of Rome which had been pressed upon him by Catholic powers abroad while his Restoration seemed possible only by their means. —When back in England miraculously by other means, he seems, indeed, to have dismissed the idea from his mind for a while, and to have revelled in the luxury of being King anyhow, on Clarendonian principles or not, with abundance of money and pleasure and no trouble. Nor was he ever likely to make himself a martyr, or even a labourer, for Roman Catholicism or for any other religion. But he had been turning matters over in his mind in a careless and yet tenacious way, and with other advices than Clarendon's. His liking for the society of Roman Catholics, English and Irish, which had never been quite disguised, had become more and more apparent. The Earl of Bristol, whom he had been obliged to dismiss from his Privy Council while abroad, because the Earl had made too great haste to profess his Roman Catholicism to the Pope and all the world, had never ceased to be in his confidence. Indeed, while the negotiation for the King's marriage with the Portuguese Infanta had been going on, the Earl, in consequence of a sudden whim of the King that he might do better than have the Portuguese wife they had selected for him, had been sent on a private mission to Parma, to report on the personal attractions of two princesses there, who had been highly recommended to Charles by the Spanish ambassador. Back from this bootless mission, he had resumed his place about Charles before the arrival of the plain Portuguese lady who had been deemed most eligible, after all, for the Queenship¹.—Even with the bat

¹ Clarendon, 1039, 1042, and 1070.

from Portugal for Queen, instead of one of the Parmese beauties, the condition of things at Charles's Court from August 1662 onwards had been peculiarly favourable for the resuscitation in his mind of the idea of exchanging his crypto-Catholicism for an open profession of the Roman Catholic faith. His new Queen had her chapel, her priests, and confessors; his mother, Queen Henrietta-Maria, who had come over again from France, to make the acquaintance of the new Queen, and to try how long she could stay in England, had also brought Roman Catholic priests and servants in her train; the number of avowed Roman Catholics at Court, and the conveniences for Roman Catholic worship there, had been largely increased. And so, though conversions among the Protestants of the Court were not yet much heard of, the state of mind which we have called crypto-Catholicism, consisting in a secret inclination to Roman Catholicism and a willingness to go over to it openly if there should ever be sufficient occasion, had come greatly into fashion. There were now many crypto-Catholics at Court besides Charles himself. Lady Castlemaine was one; Bennet was another; Berkeley was another; indeed, the faction that gathered nightly in Lady Castlemaine's apartments, where Clarendon and Southampton disdained to be seen, may be described as the crypto-Catholic faction.—There was a meaning, therefore, in the introduction of Bennet into the ministry as Secretary of State instead of Nicholas, and in the promotion of Berkeley in the household in October 1662. They were signs that the King was then strengthening the crypto-Catholic interest, and building it up about him, for some reason of opposition or counterpoise to the policy of Clarendon. So much Clarendon could and

did perceive. He may have guessed more, but can hardly have known all.

In the same month of October 1662 in which the crypto-Catholic Bennet was made Secretary of State, a certain Richard Bellings, a Roman Catholic gentleman who had played an important part in the Irish Roman Catholic confederacy, was despatched to Rome by Charles on a secret mission. This was with Clarendon's cognisance, and with his approval, so far as he understood the purpose. That was to obtain from Pope Alexander VII. a cardinal's hat for Charles's kinsman, the Abbé Lord Aubigny, who had performed the Roman Catholic ceremony of his marriage with the Queen and was now the Queen's almoner. To forward this object, Bellings carried with him letters from the King himself to the Pope, and to cardinals Chigi and Barberini, letters from the Queen and the Queen-mother to another cardinal, and also, it would seem, letters from Clarendon to several cardinals, all in the same strain. They solicited the cardinalate for Aubigny, partly in acknowledgment of the indulgence the King had shown to the English Roman Catholics since his restoration, partly as a means and reason for farther benefit and protection to the King's Roman Catholic subjects. The negotiation was to be conducted with the utmost secrecy, and Bellings was to seem to be in Rome only on business of his own. But underneath the secret there was a deeper secret, which it is impossible to suppose that Clarendon had penetrated. If Bellings should succeed in his application for the cardinalate for Aubigny, but not otherwise, he was to open a larger negotiation. It was for nothing less than the reconciliation of Charles and his subjects collectively to the Church of Rome on certain proposed terms. The

terms were contained in a profession of faith, and an explanatory paper of twenty-four articles, to be submitted to the Pope. It has been ascertained that Bellings, without waiting for the success of his smaller negotiation, did open the larger, and that, when he returned to England, early in 1663, it was with a courteous explanation from the Pope of the reasons why he could not oblige Charles by making Lord Aubigny a cardinal, and with a request from his Holiness for farther information on the other subject, the proposed terms of the readmission of Charles and his subjects to Catholicity not having been satisfactory in all points. In fact, the mission of Bellings had failed ¹.

Before Charles knew that it had failed, however, he had taken a crypto-Catholic step at home, in calculated connexion with his overtures to the Pope. Might not the position of Roman Catholics in England be much improved meanwhile, and might not the establishment of Roman Catholicism in England be facilitated, by accustoming the country, first of all, to a toleration of the Roman Catholics, not separately, as if by special favour to the Roman Catholic religion, but on the principle of a broad and generous liberalism which should include the Presbyterians and other Protestant Nonconformists? By the Act of Uniformity and its sequel on St. Bartholomew's day, the vast body of the English Presbyterians were now in such a miserable condition that indulgence

¹ The more startling facts in this paragraph were first made public in 1863, from documents in the archives of the Jesuit Society at Rome, by Father Giuseppe Boero, entitled *Istoria della Conversione alla Chiesa Cattolica de Carlo II., Re d'Inghilterra, cavata da scritture autentiche ed originali*. An abstract of the pamphlet (which somehow has failed to produce in my mind an impression of absolute authenticity in all points) was given in the *Gentleman's Magazine* for Jan. 1866. The mere fact that Bellings had gone to Rome, and also the minor purpose of his mission, transpired easily enough at the time, notwithstanding his efforts at secrecy.

on any terms would surely be welcomed by them as a boon. The question of their comprehension within the Established Church was wholly at an end. The one and only question for Presbyterians now, as for all other Nonconformists, was that of liberty or toleration out of the State-Church. Were the penal clauses of the Act of Uniformity, silencing their ministers and breaking up their congregations, to remain in force, or might there not even yet, by the King's grace or otherwise, be such an indulgence for Presbyterians, and for other peaceable Nonconformists, as should enable them to remain in England with some comfort, instead of emigrating, as many of them proposed, to Holland or America? It was of this despair among the Presbyterians and so many other sects under the pressure of the Act of Uniformity, this passion among them for some relief, that Charles and his Roman Catholic and crypto-Catholic advisers determined to avail themselves for their own objects. It would be doing them wrong to suppose that they had no feeling for the Presbyterians and other Protestant Nonconformists on their own account. Roman Catholicism, though it cannot acknowledge the theory or the sentiment of religious liberty where it is itself absolute, has always learnt something of both wherever it has been itself under oppression, and has then, often for a long while together, distinguished itself by using the language and the arguments of religious liberalism, with real belief, and for the general benefit. There is evidence also that Charles was ashamed at the non-performance, the actual violation, of his promises from Breda of a general liberty of conscience when he should be restored, and out of humour with that relentless high-church rigidity of

Clarendon and the English bishops which had compelled him to appear as a promise-breaker. Not the less is it certain that the profession of religious liberalism with which he astonished his subjects in the end of 1662 was in calculated connexion with his negotiation with the Pope, and was motived by the same desire for the advancement of Roman Catholicism and its ultimate establishment.

According to Burnet, the matter first took shape at a private meeting of the chief Roman Catholics in London in the Earl of Bristol's house, where the Earl himself moved, and Lord Aubigny seconded, a resolution to the effect that it would be the best policy for the English Roman Catholics to "bestir themselves" for a toleration of all Nonconformists. Burnet adds that Bennet, though absent, was in the secret, and that, though Bristol appeared as the manager, the plot "had a deeper root and was designed by the King himself." At all events, on the 26th of December 1662, after more or less of discussion in the Council, there went forth, "from our Court at Whitehall," a Royal Declaration embodying what had been agreed on. The Declaration might have been fitly entitled *Declaration of a New Home Policy*, for it enumerated the criticisms to which his Majesty observed that his Government hitherto had been exposed, and, while replying to those criticisms, promised more attention in future to such matters as care of the public morals, retrenchment of expenses, and the promotion of trade and industry. Essentially, however, the document was a *Declaration of a New Ecclesiastical Policy*, or a *Declaration of a General Religious Toleration*. Referring to his Majesty's promises from Breda of indulgence for religious dissent, and pointing out

that the delay in the performance of those promises had arisen from the necessity of giving precedency to the great subject of the Constitution of the Church Establishment, it continued: "That being done, we are glad to renew to all our subjects concerned in those promises of indulgence this assurance, That, as for what concerns the penalties upon those who, living peaceably, do not conform to the Church of England, through scruple or tenderness of misguided conscience, but modestly and without scandal perform their devotions in their own way, we shall make it our special care, as far as in us lies, without invading the freedom of Parliament, to incline their wisdom, at the next approaching sessions, to concur with us in making some Act for that purpose that may enable us to exercise with a more universal satisfaction that power of dispensing which we conceive to be inherent in us." To obviate any alarm that the purpose of the Declaration might be specially to benefit the Roman Catholics, it is expressly stated that his Majesty meant to be less liberal to them than to the Protestant Nonconformists. Acknowledging the great services rendered by many Roman Catholics, both to his father and to himself, he would not indeed "exclude them from all benefit from such an Act of Indulgence"; but "they are not to expect an open toleration," and Parliament must devise something in their favour of less amount than that¹.

This *Declaration*, even had no intention lurked in it more than appeared on the surface, would have been a distinct challenge of the policy of Clarendon. It had gone forth against his will, if not against his protest; and

¹ Burnet, I. 333—338; Parl. Hist. 257—259; Neal, IV. 400—401.

it represented a coalition against him of Roman Catholics, crypto-Catholics, and such Protestant liberals as Buckingham and Ashley, all agreeing to attack his Premiership by the demand of a toleration for Nonconformists. Clarendon was fully aware of this, and also of the resource of strength on which he might depend even against such a coalition. It lay in that "next approaching sessions" of Parliament to which the King's Declaration, while maintaining a dispensing power in the execution of ecclesiastical statutes to be part of the royal prerogative, had practically appealed the whole question. That "sessions," the *Second Session* of the Parliament, met on the 18th of February 1662-3, when the Declaration was not two months old. Clarendon did not then need to take up the challenge for himself. It was taken up by the two Houses for him. The history of the session, from the day of its meeting to its prorogation on the 27th of July, may be summed up in the statement that Parliament rejected and baffled the crypto-Catholic policy of the King, Bristol, Bennet, and the rest, supported though it was by Ashley and other liberals, and maintained and re-proclaimed the no-toleration policy of Clarendon, equally against Roman Catholics and against Protestant Nonconformists. The details are not uninteresting.

The King, in his opening speech recommended to them the toleration policy of his *Declaration* with unusual earnestness, though with the usual assurance that he had no intention of favouring Popery, and that in the sincerity of his personal Protestantism and Church-of-Englandism he would not yield to any, "not to the bishops themselves." Then, on the 23rd of February, Lord Roberts, who had been selected for the duty as an orthodox Presbyterian and beyond suspicion, brought a

bill into the Upper House for giving effect to the *Declaration* by enabling his Majesty to dispense with the Act of Uniformity and other ecclesiastical statutes so far as to grant licences at his pleasure to peaceable *Protestant* Nonconformists for the exercise of their religion. At once the opposition both to the Declaration and to the proposed Act was resolute and triumphant. There was a remonstrance from the Commons to the King, Feb. 27, to the effect that it was "in no sort "advisable that there be any indulgence to such persons "who presume to dissent from the Act of Uniformity"; and Lord Roberts's Bill in the other House perished in committee after vehement denunciations of it by Clarendon and Southampton. The King and his associates were foiled even on the question of a toleration of the Presbyterians or other Protestant Nonconformists. But this was not all. Though in Lord Roberts's bill the dispensing power asked had been expressly for Protestant Nonconformists only, Roman Catholics to have no benefit from it, the Houses, with that sure instinct which guides public bodies, had divined the drift, and had taken alarm. On the 31st of March there was a petition from the two Houses to his Majesty, representing the ominous increase of Jesuits and Roman Catholic priests in the kingdom, and begging him to issue his proclamation for expelling all such, except those permitted to be about the Queen by her marriage contract, and those allowed by law to attend on foreign ambassadors. To this also the King had to yield. In short, the crypto-Catholic policy, designed for the benefit of the Roman Catholics, had roused the Parliament, the Church, and the nation at large, to a most violent animosity against that particular class of Nonconformists, and the Clarendonian

policy had been confirmed as well against them as against the Presbyterians and Protestant sectaries.

The King had been immeasurably offended by Clarendon's opposition to Lord Roberts's Bill, and had told him so. The whole Court knew the fact, and regarded Clarendon's reign as over. "It seems the present favourites now," writes Pepys on the 15th of May 1663, "are "my Lord Bristol, Duke of Buckingham, Sir H. Bennet, "my Lord Ashley, and Sir Charles Berkeley; who, "among them, have cast my Lord Chancellor upon his "back, past ever getting up again." It was Bristol that stepped forth from the rest to ensure this perpetual prostration of the man whom so many, for various reasons, agreed in disliking. On the 10th of July he presented to the Lords, in his own single name, a series of articles of impeachment for high treason against Clarendon. They were most extraordinary articles, containing a jumble of mutually conflicting accusations. On the one hand, much was founded on reported discourses of Clarendon, arrogating to himself the credit of being the one unflinching champion of Protestant orthodoxy against the King's Popish tendencies. Clarendon had said to several persons of the Privy Council "that his "Majesty was dangerously corrupted in his religion and "inclined to Popery," and "that persons of that religion "had such access and such credit with him that, unless "there were a careful eye had unto it, the Protestant "religion would be overthrown in this kingdom." In particular, on the removal of Nicholas from the Secretaryship of State to make way for Bennet, Clarendon had been heard to say "that his Majesty had given £10,000 to remove a zealous Protestant, that he might bring in a concealed Papist." So constant was Clarendon's talk in

this strain that it had become the common saying of his partisans "that, were it not for my Lord Chancellor's standing in the gap, Popery would be introduced into this kingdom." Yet, on the other hand, who but this self-proclaimed champion of Protestant orthodoxy, Bristol asked, had been the King's chief adviser and instigator in all those acts and proceedings that looked most like an intention to bring in Popery, and on which the charge of such an intention on the part of his Majesty was most plausibly founded? Here Bristol, in his impeachment of Clarendon before the Lords, only reverted to an insinuation he had already made in a previous speech, which he had been allowed to deliver to the Commons on a matter personal to himself and belonging to the jurisdiction of that House. "It is true, Mr. Speaker," he had then said, "I am a Catholic of the Church of Rome, but not of the Court of Rome: no negotiator there of Cardinals' caps for his Majesty's subjects and domestics; a true Roman Catholic as to the other world, but a true Englishman as to this." In the impeachment this insinuation was developed more distinctly. Bellings and his mission to Rome to obtain a Cardinal's hat for Lord Aubigny were openly mentioned; the transaction was denounced as un-Protestant and un-English; and the whole blame of it was laid at the doors of Clarendon. It was he that had induced the King to it, "contrary to his own reason and resolutions"; it was he that had written letters to several Cardinals and sent them by Bellings, promising "exemption to the Roman Catholics of England from the penal laws in force against them;" it was he that had thus, in a manner, acknowledged the Pope's ecclesiastical sovereignty in the English realm. All this Bristol offered to prove against

Clarendon, with many special acts of corruption or tyranny in his administration, insolencies to the King of various sorts, and an intolerable general presumptuousness of speech and behaviour. Clarendon, who tells us that he replied on the spot, gives only a brief summary of what he said. He made light, it appears, of the application to the Pope for a Cardinal's hat for Lord Aubigny, not denying that he had taken part in that application, but representing that it was hardly worth talking about, and that, for the rest, the mission of Bellings had been merely to convey a message to the Pope from the Queen on a little matter of interest to herself and to Portugal. He also distinctly declared "that the King had neither writ to the Pope nor to any other person in Rome." With the other evidence we have, it is difficult to avoid the belief that Clarendon was here dissembling in his own interest and in the King's. Though he did not know all that was implied in the mission of Bellings, he must have known more than it was convenient to acknowledge. Bristol, who probably knew all, and had the King, as well as Clarendon, at his mercy, seems to have known that Clarendon's knowledge was but half-knowledge, and therefore to have thought it safe, and in the King's interest, to speak out boldly about Bellings's mission, on that side of it on which he could inculcate Clarendon. Indeed, the whole of Bristol's impeachment, though extravagant and audacious, is instructive. It fits in with facts that are known, and blurts out facts that would not have been known otherwise. Probably all the sayings it attributes to Clarendon had been actually uttered by him. All in all, though it was a strange and unusual impeachment, it was uncomfortable for Clarendon by its frankness;

and it remained to be seen how the Lords would deal with it.

The Lords were as loyal to Clarendon personally as they had been to his policy. They threw out Bristol's paper on the legal ground that a charge of high treason could not be originated by one peer against another in the House of Peers, and also because all Bristol's charges together, even if they were true, did not amount to treason. Bristol was at the same time disowned by the King, who had in vain tried to dissuade him from that form of attack on Clarendon, and who, when a copy of the impeachment was sent him by the Lords, had replied that "to his own certain knowledge" some of the charges were untrue, and that the paper contained "scandalous reflections" against himself, and was a libel upon his government. The defeated accuser had to retire from the Court in disgrace, as one who had overreached himself and blundered; and, at the prorogation of the Parliament on the 27th of July 1663, Clarendon had risen from his temporary prostration, and was again in the ascendant¹.

An event of the year worth noting by itself had been the marriage, at Whitehall on the 20th of April, of the King's natural son, the sprightly "Mr. James Crofts," to Anne Scott, the rich young orphan Countess of Buccleuch. In anticipation of this event, he had been created Duke of Monmouth some time before; and, after the marriage, when he assumed his wife's surname

¹ Parl. Hist. IV. 253—289; Lords Journals of Feb. and March, 1662—3; Clarendon, 1129—1131; Christie's Life of Shaftesbury, I. Appendix VI. (Lord Roberts's Dispensing Bill, printed for the first time from the Rolls of the House of Lords); Pepys of date given; Burnet, I. 338—340. Clarendon misdates Lord Roberts's Bill and his own opposition to it by more than a year and a half, making the Bill come in the fourth session of the Parliament, instead of the second. Hence much confusion in his account of the debates on it.

of Scott, and gave her in exchange the title of Duchess of Monmouth, he and she were created jointly Duke and Duchess of Buccleuch also. They were a very young couple indeed. He was but fourteen years of age, and she was two years younger¹.

Through the third and fourth sessions of the Parliament, carrying us from March 16, 1663-4, to March 2, 1664-5, there was still no effective disturbance of Clarendon's supremacy. Bristol and the crypto-Catholics, with Ashley, Buckingham, and Lord Roberts, continued to intrigue against him; the Scottish Earl of Lauderdale, an enemy of Clarendon's from the first, had joined his counsels with those of the English intriguers; and Clarendon and his pompous ways were more and more the theme of jest in the Castlemaine *soirées*, and in Charles's other festivities. Buckingham was great on those occasions; but Tom Killigrew, of the Bedchamber, the King's jester-in-chief, outshone Buckingham. With a bellows hung in front of him for a purse, and preceded by a companion carrying the shovel for a mace, he would imitate the Chancellor's walk and voice before Charles, Lady Castlemaine, and the rest, to absolute perfection. Nevertheless the Chancellor, quite well aware of these uproarious jocosities at his expense in companies which his virtue and sense of decorum would not allow him to visit, held his own politically, and was still indispensable to Charles. Such new home-legislation as there could be in Parliament was still High-Church and Clarendonian. Two Acts of the third session deserve notice:—

¹ Pepys of date, and De Brett's Peerage under *Buccleuch*.

Act Repealing the Act of Feb. 16, 1640-1 for Triennial Parliaments (April 5, 1664):—The repeal was on the ground that the said Act of the Long Parliament was “in derogation of his Majesty’s just rights and prerogative inherent to the imperial crown of this realm”; but the present Act was, by his Majesty’s assent, to be a new and more proper guarantee that for the future there should never be an interval of more than three years at the utmost between one Parliament and another.

The Conventicles Act (May 17, 1664):—The speech of Sir Edward Turner, the Speaker of the Commons, in presenting this Act for his Majesty’s assent, gives a convenient summary of the reasons for it and of its provisions. After explaining to his Majesty how busy they had been on questions of revenue and supply for his Majesty, the Speaker proceeded thus:—“Whilst we were intent upon these weighty affairs, we were often interrupted by petitions, and letters, and motions, representing the unsettled condition of some countries [counties or districts] by reason of Fanatics, Sectaries, and Nonconformists. They differ in their shapes and species, and accordingly are more or less dangerous; but in this they all agree,—they are no friends to the established government either in Church or State; and, if the old rule hold true, *Qui Ecclesie contradicit non est pacificus*, we have great reason to prevent their growth and to punish their practice. To this purpose, we have prepared a Bill against their frequenting of Conventicles, the seed-plots and nurseries of their opinions, under pretence of religious worship. The first offence [of being in a Conventicle, or meeting of more than five persons in addition to members of a family, for any religious purpose not in conformity with the Church of England] we have made punishable only with a small fine of £5 or three months’ imprisonment, and £10 for a peer. The second offence with £10 or six months’ imprisonment, and £20 for a peer. But for the third offence, after a trial by a jury at the general quarter-sessions or assizes, and the trial of a peer by his peers, the party convicted shall be transported [for seven years] to some of your Majesty’s foreign plantations, unless he redeem himself by laying down £100.

‘Immedicabile vulnus
‘Ense rescindendum, ne pars sincera trahatur.’”

The Act was to come into operation on the 1st of July 1664,

and was to be in force for three years, dated from the end of the next session of Parliament.

As if to prove that Clarendon was still the accredited chief minister, and secure in that place, it was within a month after the passing of this Conventicles Act that there was the royal gift to him of a site for a great town-mansion. It was in the then nearly vacant Piccadilly, in the spot between the present Berkeley Street and the present Bond Street, and exactly fronting St. James's Palace. The grant was dated June 13, 1664; and, in the interval between the third session of Parliament and the fourth, Clarendon, whose quarters were still in Worcester House in the Strand, had begun the building of a great house on the new spot, to be called *Clarendon House*, and was taking Evelyn and other friends to see the foundations and consulting them about the plans and the probable expense. Lord Berkeley had begun a new house on the one side of it, and Lord Burlington another on the other side; and the talk of the town was about the three rising mansions in Piccadilly, but especially about the Chancellor's, when the fourth session of the Parliament met, Nov. 24, 1664. The engrossing business of that short session, ending March 2, 1664-5, was the conduct of a WAR WITH THE DUTCH, which had been foreseen in the previous session and had already been practically begun¹.

In foreign politics the transactions of the Restoration government hitherto had been few. Although there had been an immediate stop by the Restoration to the languishing war with Spain bequeathed from the Protector-

¹ Parl. Hist. IV. 289-317; Burnet, I. 445, with note there by Speaker Onslow; Clarendon, 1129; Statutes at Large, 16 Car. II. cap. 1 and cap. 4; Cunningham's Handbook of London, Art. *Clarendon House*; Evelyn's Diary, Oct. 15, 1664, and Pepys's, Feb. 20, 1664-5.

ate, the subsequent Treaty with Portugal, in connexion with the King's marriage with the Portuguese Infanta, had involved England to some extent in the special war of Portugal against Spain for the assertion of Portuguese independence. By the same treaty, Tangier on the African coast, opposite to Gibraltar, and Bombay in the East Indies, had been ceded to the English King, as part of the marriage portion of the Infanta. The importance of Tangier to England had been much exaggerated, for a particular reason. The acquisition might cover, it was hoped, the ignominy of the sale of Dunkirk. The English were still proud of that conquest of Cromwell's on the Continent; and, though there would have been much cost and inconvenience in retaining it, the surrender of it to France, and the peculiar circumstances of the surrender, were remembered with shame. Since October 1662, when Charles, treating the town as his own property, had, after a long haggling with Louis XIV. as to the price at which he would sell it, accepted and pocketed 500,000 pistoles, people had been asking how the money had been squandered. Clarendon was held mainly responsible; and the Londoners, to signify their opinion that he had not sold Dunkirk without benefit to himself, had nicknamed the new house he was building *Dunkirk House*. For the rest, till 1664, there had been nothing between England and any of the foreign powers but the ordinary diplomacies, as represented in the residence of foreign ministers in London, and the residence of English ambassadors and envoys at the various courts abroad. The Earl of St. Albans was ambassador at Paris; Sir George Downing was minister at the Hague; agents of less note were in other capitals; and in July 1663 the Earl of Carlisle had been despatched on a

special mission, as ambassador extraordinary to Muscovy, Sweden, and Denmark, taking Andrew Marvell with him as his secretary. Marvell had therefore been absent from his place in the Parliament through the whole of the third session ; but he and the Earl were back in January 1664-5, in time to take part in the fourth, and be in the midst of the excitement of a great naval war¹.

The commercial rivalry between England and Holland had been rendering the relations between the two States more and more precarious since Cromwell's death, and for some time there had been irritating differences between the merchants of the English Africa Company and those of the Dutch Africa Company as to their respective rights of trade on the African coast. Beset by complaints from the English merchants, and having other reasons for a rupture with the Dutch, one of which was supposed to be the desire of the Duke of York to prove his abilities as Lord High Admiral, Charles and his Government had at length resolved on a war. The country being very willing, and Parliament in its third session having declared its readiness to support the King to any extent against the Dutch, the war had been actually in progress in an irregular way since May 1664. The Dutch were capturing English vessels and attacking English settlements in Africa and the West Indies ; Admirals Lawson and Holmes were at sea, fighting the Dutch and making reprisals ; the City had lent the King £200,000 ; there had been the equipment of a great new fleet at Portsmouth, to be commanded by the Duke of York, with Prince Rupert and the Earl of Sandwich

¹ Clarendon, 1105-1107 ; Burnet, I. 294-297 ; Pepys, Sept. 30 and Oct. 26, 1661, Nov. 21, 29, and 30, 1662, April 28, 1663, and June 1, 1664 ; Dr. Grosart's Memorial Introduction to his edition of Marvell's Works, p. xlviii, with reprint in that edition (II. 100-185) of a large part of an account of the Earl of Carlisle's embassy, published in 1669.

under him. Still negotiations had been going on wearily, Downing negotiating at the Hague, Dutch envoys negotiating in London, and Louis XIV, who declined the solicitations of Charles to join with him against the Dutch, offering his services as mediator. Not till the fourth session of the Parliament had actually met could war be formally certain. Then there was no doubt. On the 25th of November 1664, the second day of the session, there was a vote of £2,500,000 to the King for war-expenses. Preparations were then redoubled at the dockyards; on the 22nd of February 1664-5 war was formally declared; and on the 2nd of March Parliament was prorogued, that there might be attention to nothing else than the expected battles. Clarendon and Southampton, who had all along opposed the war, had given additional offence both to the King and the Duke of York on that account. The gossip at Court, according to Pepys, was that "the King do hate my Lord Chancellor, and that they, that is the King and Lord Fitzharding, do laugh at him for a dull fellow, and in all this business of the Dutch war do nothing by his advice, hardly consulting him. Only he is a good minister in other respects, and the King cannot be without him; but, above all, being the Duke's father-in-law, he is kept in; otherwise Fitzharding were able to fling down two of him." The Fitzhardinge so spoken of is the person we have seen hitherto only as Sir Charles Berkeley, Comptroller, and then Treasurer, of the Household. The fondness both of the King and the Duke for their "dear Charles," as they called this reprobate, was boundless; he had been made Viscount Fitzhardinge in the Irish peerage; and now, as he was to accompany the Duke to sea, he was created also an

English peer, with the title of Earl of Falmouth. At the same time Secretary Sir Henry Bennet was raised to the peerage as Lord Arlington. These promotions were distinctly prejudicial to Clarendon and annoyed him much, as did also the appointment of Lord Ashley to the treasurership of the prizes that might be taken in the war, with responsibility for his accounts to the King only. Clarendon's remonstrances against this last appointment were in vain. Ashley seems to have gone heartily with the Duke of York, Albemarle, Bristol, Buckingham, and the great majority of the Council and Ministry, in promoting the war; but Clarendon's own account is that the two men who did most to bring about the war were Bennet and Mr. William Coventry, this latter known as the able M.P. for Yarmouth, and as Navy Commissioner and Naval Secretary to the Duke of York. Coventry also went with the Duke to sea. Albemarle, whose sea-experience might have made him a better commander of the fleet than the Duke, remained in London, taking the Duke's place at the head of the Admiralty¹.

And now, for some months, the names in all men's mouths were those of admirals and sea-captains. Where was the Duke, where was Prince Rupert, where was the Earl of Sandwich; where were Admirals Lawson, Ayscough, Sir William Penn, and others; what was the last news of the Dutch Ruyter, the Dutch Opdam, and the Dutch Van Tromp? Of the answers that came, in the shape of reports of sea-fights here and there, we need take no account before June 8, 1665. It was on that day that Pepys, going to the Cockpit, found Albe-

¹ Clarendon, 1102—1104, 1116—1121, 1127—1129, and 1133; Commons Journals, Nov. 25, 1664; Pepys, Dec. 15, 1664, and thence onwards to April 1665.

marle "like a man out of himself" with joy at the news of a great victory over the Dutch off Lowestoft on the 3rd, and received into his own hands the yet unopened letter of Mr. Coventry announcing the particulars. The Duke, Prince Rupert, Lord Sandwich, and Mr. Coventry himself, were all well ; but the Earl of Falmouth, Lord Muskerry, and Mr. Richard Boyle, had been "killed on board the Duke's ship, the Royal Charles, with one shot, their blood and brains flying in the Duke's face, and the head of Mr. Boyle striking down the Duke, as some say." There had been killed also the Earls of Marlborough and Portland, with Rear-Admiral Sansome, and two captains ; and Admiral Lawson and others had been severely wounded. But then, on the other hand, Opdam, the Dutch chief admiral, had been blown up with his ship ; other Dutch admirals had been killed ; the loss of the Dutch in men was estimated at 8000 as against about 700 on the English side ; twenty-four Dutch ships had been taken, and the rest were in flight, with the English fleet in hot pursuit. Such was the first news ; and within a few days (June 16) the Duke, Prince Rupert, Mr. Coventry, and others of the conquerors, were back in Whitehall, receiving the congratulations of the courtiers, and "all fat and lusty, and ruddy by being in the sun." Thanksgivings for the victory were ordered in London and over the kingdom, and a medal was struck in honour of the Duke as the victor-in-chief, with his bust on one side, and on the other the date "June 3, 1665" and the motto "*Nec minor in terris.*" And, in fact, chiefly on land henceforth was the Duke to show his prowess. Subsequent reports had considerably abated the first conceptions of his victory, and of his merits in the chief command, especially in the matter of the

pursuit of the routed Dutch ; and, though no one denied that he had given ample proof of his personal courage, there was some surprise when it became known that his one performance off Lowestoft was to be all, and that it was judged expedient that the life of the heir-apparent to the throne should not be again exposed to Dutch cannon-shot. This resolution seems to have been taken before the 26th of June ; on which day, at the Duke's request, Mr. Coventry was sworn a member of the Privy Council and knighted. This also was an anti-Clarendonian appointment, the intention being that, while the Duke, in resuming his home charge of the Admiralty, should have the benefit still of Coventry's secretarial services, the King should have the benefit also of Coventry's knowledge and ability, in opposition to the Chancellor, at the Council Board. On the 4th of July it was distinctly announced that neither the Duke nor Prince Rupert was to return to the fleet, and that Pepys's honoured friend and patron, the Earl of Sandwich, was to assume the supreme command, with Sir George Ayscough and Sir Thomas Teddiman immediately under him, Sir William Penn as his vice-admiral, and Sir Thomas Allen as his rear-admiral. As the Earl's part in the great battle off Lowestoft had been underrated, and he had failed moreover in an attempt on Aug. 3 to seize two splendid Dutch vessels in the neutral Danish port of Berghen, it was a pleasure to his friends to hear of two actions, undoubtedly his own, on the 3rd and 12th of September, in which he captured altogether forty-five war-ships and merchantmen, some of them rich prizes¹.

¹ Pepys, June 8, 16, 23, 28, July 4, and thence to Sept. 14, 1665 ; Burnet, I. 375—382, with long footnote. The story in Burnet is that the Duke of York, when the main battle off Lowestoft was over, and all that remained was to pursue

Pleasure! There was no pleasure, in London at least, that month. THE PLAGUE, which had been in the city since the beginning of the year, and had been spreading and growing more and more fearful through the months of sea-fighting with the Dutch, had then reached its very worst. From April 30, 1665, when Pepys had written in his diary, "Great fears of the sickness here in the city, "it being said that two or three houses are already shut "up: God preserve us all!" the progress of the red-spot pestilence had been registered by him, day after day, and week after week, with terrific fidelity. On June 7 he had written: "The hottest day that ever I "felt in my life. This day, much against my will, I did "in Drury Lane see two or three houses marked with a "red cross upon the doors, and 'Lord have mercy upon "us' writ there." Again, on June 29, "To Whitehall, "where the Court full of waggons and people ready to "go out of town." The mortality by plague that month within the bills had reached 590; the King and the Court had left Whitehall two days before for Salisbury; all that

the residue of the Dutch fleet, left the deck of his ship about 11 o'clock at night to take some rest, having given strict orders to call him when they got up with the Dutch, but that, after some time, his bed-chamber man, Brouncker, came on deck, "as from the Duke, and said the Duke ordered the sail to be slackened," which order Sir William Penn, though surprised at it, obeyed. The footnote, which is Speaker Onslow's, corroborates Burnet by reporting evidence given before the House of Commons on April 17, 1668, save that Captain Harman, and not Penn, appears there as the officer who slackened sail on the Duke's supposed order. The inquiry was for the purpose of proving that the Duke had given no such order, and that Brouncker and Harman were responsible between them. Brouncker had certainly given the order most positively as from the Duke, and the hypothesis in the Duke's favour was that Brouncker had invented the order, out of care for his own life and the Duke's. Burnet's belief, however, from information he had received, was that the deaths of Falmouth and the others before his eyes had made such a strong impression upon the Duke that he thought with himself in his cabin that one battle was enough and shrank from a second. At all events, as he favoured Harman much after the battle, and retained Brouncker in his service till 1667, his anger at their joint blunder cannot have been very deep. For the whole story, see, in addition to Burnet's text, with the footnote, as cited, Pepys's Diary, under dates Oct. 21, 1667, and April 17, 18, 19, and 21, 1668. Pepys's view seems to have been the same as Burnet's.

could leave town were hurrying away. In country towns and villages, to the distance of thirty, forty, or even a hundred, miles from London, there was dreadful alarm at this migration among them from the plague-stricken city; every outward-bound passenger or waggon along a high road was suspected; goods from London were shunned; and doors were shut against strangers. Though the plague did appear in various parts of the country, London and the vicinity continued to be its principal habitat. "Lord! the number of houses visited which 'this day I observed through the town quite round in 'my way by Long Lane and London Wall,'" wrote Pepys on the 6th of July; then, on the 18th, "I was 'much troubled this day to hear at Westminster how 'the officers do bury the dead in the open Tuttle-fields, 'pretending want of room elsewhere"; and, on the 26th, "Sad news of the death of so many in the parish 'of the plague: forty last night, the bell always going." That month the total mortality by the plague had risen to 4129. The number of houses shut up was past counting; they were carrying corpses along the streets at all hours; there were pest-houses for the reception of bodies, and pest-pits for their promiscuous burial. But in August the mortality rose to 20,046, and the ghastliness was in proportion. "Lord! how sad a sight it is 'to see the streets empty of people, and very few upon 'the Change," wrote Pepys on the 16th of that month: "jealous of every door that one sees shut up, lest it 'should be the plague; and about us two shops in 'three, if not more, generally shut up"; and, on the 30th, "Lord! how everybody looks, and discourse in 'the street is of death and nothing else, and few people 'going up and down, that the town is like a place dis-

"tressed and forsaken." In September the deaths recorded were 26,230, and it was believed that these were not all. There were no boats on the river; grass was growing in the streets; there was but a remnant of the population left; and still every week the silent houses were yielding 6000 or 7000 more red-spotted corpses, and the pest-carts were going their rounds with the hideous bells. Nearly all people of means had by this time deserted both London and Westminster, physicians and clergymen included. The brave Monk had remained in town, doing all he could, and also the brave Archbishop Sheldon. Not a few of the silenced Nonconformist ministers, who had hitherto obeyed the law by refraining from every appearance of public preaching, now openly broke the law, and took possession of the forsaken pulpits. It was thought that surely at such a time the distinction between Conformity and Nonconformity might be disregarded¹.

Not so. At the short *Fifth Session* of the Parliament, from Oct. 9 to Oct. 31, held at Oxford, for the convenience of the King and Court on account of the plague, the supply of an additional £1,250,000 to the King for the expenses of the Dutch War was not the only business. There emanated from the two Houses and the King in this session the following Act:—

The Five Miles Act (Oct. 31, 1665):—This was an Act increasing most severely the stringency of the Act of Uniformity. The preamble having stated that divers of the Nonconformist ministers and preachers had not only continued to preach in unlawful conventicles, but had "settled themselves in divers corporations, sometimes three or more of them in a place, thereby taking an opportunity to distil

¹ Pepys, of dates, and generally from April to October 1665; Baxter, Part III. 1—2. The numbers of deaths monthly are from the Bills of Mortality, as I find them quoted in *Engl. Encyc.*, Art. *Pestilence*.

"the poisonous principles of schism and rebellion into the hearts of his Majesty's subjects," it was now enacted that no Nonconformist ex-minister or teacher, of what denomination soever, who had not taken the oath of passive obedience, should, "unless only in passing upon the road," come within five miles of any city, or town-corporate, or borough sending members to Parliament, or within the same distance of any parish or place where he had formerly preached or taught, under a penalty of £40 for every offence. It was also enacted generally that no person whatever, of either sex, that did not take the said passive obedience oath, and frequent divine service as by law established, should "teach any public or private school, or take any boarders or tablers, that are taught or instructed by him or herself, or any other," the penalty for each offence in this case to be also £40.

The chief promoters of this horrible Act were Clarendon, Archbishop Sheldon, and Dr. Seth Ward, Bishop of Salisbury. It was opposed by Lord Ashley, Lord Wharton, and others, among whom was the Earl of Southampton; but there is no record of any division upon it in the journals of either House. In the Commons Journals of Oct. 27, however, there is the record of a division on a proposed bill of a still more tremendous character, to which the rigid Uniformity men had been roused by the opposition to the *Five Miles Act*. It was nothing less than a Bill for making the Passive Obedience Oath compulsory on the nation universally. It was thrown out only by 57 votes to 51. The *Five Miles Act* by itself brought misery enough. Imagine its operation. It required the many hundreds of ministers already under ban for their nonconformity, and struggling for their livelihoods in various ways, to leave the large towns and small towns where they had naturally settled because there alone could they find chances of livelihood, to leave also the parishes where they were known, and where their children, at worst, would have a

right to poor-law relief, and to remove themselves and their families, at expenses they could not meet, to obscure villages, or petty non-corporate places, among farmers and strangers, where they could have no employment and no friends. "By this Act," says Baxter, "the case of the ministers was so hard that many thought themselves necessitated to break it, not only by the necessity of their office, but by a natural impossibility of keeping it unless they should murder themselves and their families." The result to the Government and the Church was that they netted a few more conformists, and had to ply the penalty of imprisonment more widely and vigorously among those that remained stubborn. Cargoes of Quakers and others had already been exported to the black ends of the earth¹.

In London the deaths from plague in October had sunk to 14,373; in November they were 3449 only; and in December they were below 1000. The total mortality by plague within the year as given in the bills had been 68,596. The plague still lingered in the city, and was more severe than before in such places as Deptford, Greenwich, and Deal; but people had begun to be reassured, and London was again full².

The Dutch War, the Plague, the Act of Uniformity, and the Five Miles Act, followed people into the year 1666. The Dutch War was complicated, indeed, from January 1665-6, by the fact that Louis XIV, and Denmark with him, had distinctly taken the part of the Dutch. From that date the war was nominally a war

¹ Lords and Commons Journals of Oxford Session of Parliament; Statutes at Large (for *Five Miles Act*); *Letter from a Person of Quality to his Friend in the Country*, of date 1675, reprinted in Appendix to Parl. Hist. Vol. IV. (attributed to Locke and printed in his Works, but not his); Baxter, III. 3-4.

² Authorities as before.

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could leave town were hurrying away. In country towns and villages, to the distance of thirty, forty, or even a hundred, miles from London, there was dreadful alarm at this migration among them from the plague-stricken city; every outward-bound passenger or waggon along a high road was suspected; goods from London were shunned; and doors were shut against strangers. Though the plague did appear in various parts of the country, London and the vicinity continued to be its principal habitat. "Lord! the number of houses visited which "this day I observed through the town quite round in "my way by Long Lane and London Wall," wrote Pepys on the 6th of July; then, on the 18th, "I was "much troubled this day to hear at Westminster how "the officers do bury the dead in the open Tuttle-fields, "pretending want of room elsewhere"; and, on the 26th, "Sad news of the death of so many in the parish "of the plague: forty last night, the bell always going." That month the total mortality by the plague had risen to 4129. The number of houses shut up was past counting; they were carrying corpses along the streets at all hours; there were pest-houses for the reception of bodies, and pest-pits for their promiscuous burial. But in August the mortality rose to 20,046, and the ghastliness was in proportion. "Lord! how sad a sight it is "to see the streets empty of people, and very few upon "the Change," wrote Pepys on the 16th of that month: "jealous of every door that one sees shut up, lest it "should be the plague; and about us two shops in "three, if not more, generally shut up"; and, on the 30th, "Lord! how everybody looks, and discourse in "the street is of death and nothing else, and few people "going up and down, that the town is like a place dis-

"tressed and forsaken." In September the deaths recorded were 26,230, and it was believed that these were not all. There were no boats on the river; grass was growing in the streets; there was but a remnant of the population left; and still every week the silent houses were yielding 6000 or 7000 more red-spotted corpses, and the pest-carts were going their rounds with the hideous bells. Nearly all people of means had by this time deserted both London and Westminster, physicians and clergymen included. The brave Monk had remained in town, doing all he could, and also the brave Archbishop Sheldon. Not a few of the silenced Nonconformist ministers, who had hitherto obeyed the law by refraining from every appearance of public preaching, now openly broke the law, and took possession of the forsaken pulpits. It was thought that surely at such a time the distinction between Conformity and Nonconformity might be disregarded¹.

Not so. At the short *Fifth Session* of the Parliament, from Oct. 9 to Oct. 31, held at Oxford, for the convenience of the King and Court on account of the plague, the supply of an additional £1,250,000 to the King for the expenses of the Dutch War was not the only business. There emanated from the two Houses and the King in this session the following Act:—

The Five Miles Act (Oct. 31, 1665):—This was an Act increasing most severely the stringency of the Act of Uniformity. The preamble having stated that divers of the Nonconformist ministers and preachers had not only continued to preach in unlawful conventicles, but had "settled themselves in divers corporations, sometimes three or more of them in a place, thereby taking an opportunity to distil

¹ Pepys, of dates, and generally from April to October 1665; Baxter, Part III. 1—2. The numbers of deaths monthly are from the Bills of Mortality, as I find them quoted in *Engl. Encyc.*, Art. *Pestilence*.

"the poisonous principles of schism and rebellion into the hearts of his Majesty's subjects," it was now enacted that no Nonconformist ex-minister or teacher, of what denomination soever, who had not taken the oath of passive obedience, should, "unless only in passing upon the road," come within five miles of any city, or town-corporate, or borough sending members to Parliament, or within the same distance of any parish or place where he had formerly preached or taught, under a penalty of £40 for every offence. It was also enacted generally that no person whatever, of either sex, that did not take the said passive obedience oath, and frequent divine service as by law established, should "teach any public or private school, or take any boarders or tablers, that are taught or instructed by him or herself, or any other," the penalty for each offence in this case to be also £40.

The chief promoters of this horrible Act were Clarendon, Archbishop Sheldon, and Dr. Seth Ward, Bishop of Salisbury. It was opposed by Lord Ashley, Lord Wharton, and others, among whom was the Earl of Southampton; but there is no record of any division upon it in the journals of either House. In the Commons Journals of Oct. 27, however, there is the record of a division on a proposed bill of a still more tremendous character, to which the rigid Uniformity men had been roused by the opposition to the *Five Miles Act*. It was nothing less than a Bill for making the Passive Obedience Oath compulsory on the nation universally. It was thrown out only by 57 votes to 51. The *Five Miles Act* by itself brought misery enough. Imagine its operation. It required the many hundreds of ministers already under ban for their nonconformity, and struggling for their livelihoods in various ways, to leave the large towns and small towns where they had naturally settled because there alone could they find chances of livelihood, to leave also the parishes where they were known, and where their children, at worst, would have a

right to poor-law relief, and to remove themselves and their families, at expenses they could not meet, to obscure villages, or petty non-corporate places, among farmers and strangers, where they could have no employment and no friends. "By this Act," says Baxter, "the case of the ministers was so hard that many thought themselves necessitated to break it, not only by the necessity of their office, but by a natural impossibility of keeping it unless they should murder themselves and their families." The result to the Government and the Church was that they netted a few more conformists, and had to ply the penalty of imprisonment more widely and vigorously among those that remained stubborn. Cargoes of Quakers and others had already been exported to the black ends of the earth¹.

In London the deaths from plague in October had sunk to 14,373; in November they were 3449 only; and in December they were below 1000. The total mortality by plague within the year as given in the bills had been 68,596. The plague still lingered in the city, and was more severe than before in such places as Deptford, Greenwich, and Deal; but people had begun to be reassured, and London was again full².

The Dutch War, the Plague, the Act of Uniformity, and the Five Miles Act, followed people into the year 1666. The Dutch War was complicated, indeed, from January 1665-6, by the fact that Louis XIV, and Denmark with him, had distinctly taken the part of the Dutch. From that date the war was nominally a war

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Houses of Parliament by his conduct and speeches in the recent session, he had faith still in his Parliamentary following. His fall, however, was in preparation. It was to come, more immediately, from the Dutch War¹.

With an additional £1,800,000 voted for the war, but not yet in hand, with a vast debt owing in arrears to the sailors and in other forms, with credit already shattered, and with all possibilities of raising money stopped at any rate by the paralysis of London banking and commerce after the Fire, the King had come to the conclusion that the war must end. Louis XIV, having his own reasons for desiring peace at the moment, was most willing to assist Charles in this design, not only by a secret treaty between themselves withdrawing France from the war, but also by persuading the Dutch to consent to negotiation. The demand of Charles was that there should be a cessation of hostilities during such negotiation. The great De Witt, the head of the war-party among the Dutch, though unable to resist the peace-party in the States altogether, and obliged to go with them in the main matter of a treaty, succeeded in avoiding the proposed condition. Accordingly, when Lord Holles and Mr. Henry Coventry arrived at Breda on the 14th of May as plenipotentiaries for England to treat with the Dutch negotiators, there was no armistice and none could be obtained. They might treat as rapidly as possible and so bring the war to a close, but meanwhile the war existed. Now, the treaty was a complex and intricate one, involving questions about rights and possessions in the East Indies, the West Indies, and North America, which could not be settled in a week or two. This was what De Witt had foreseen. He had

¹ Clarendon, 1190—1224, and 1277; Pepys, Oct. 13, 1666, and April 22, 1667.

Negotiation
with
Dutch
how
Treaty
Hollis
Coventry
May 14, 1667

sworn revenge for the burning of the Dutch shipping in their own harbours, and the ravaging of the Island of Schelling, in the preceding August; and the opportunity had come.

To save expense, the English Council, by the advice chiefly of Sir William Coventry, and against the will of the Duke of York, had laid up all their large vessels in dock, trusting that two squadrons of smaller vessels would be a sufficient protection; and, though some fortifications of the Thames and Medway had been ordered, there was such mutiny among the unpaid sailors and labourers that little or nothing of the kind had been done. It was in this condition of things that Ruyter and Cornelius de Witt, with a fine and orderly fleet of seventy sail, arrived for their revenge. They were off the Nore on the 10th of June, sending before them, up the river, to London and beyond, panic and confusion indescribable. "Everybody was flying, none knew why or whither." The questions were whether it was an invasion that was intended, or a general pillage of the coasts of the Thames, or an occupation and sack of London. Monk, who alone kept his head so as to be of much use, and who probably guessed the enemy's intentions better than the rest, was down the river "in his shirt," about Gravesend, Sheerness, and the mouth of the Medway, extemporising batteries, moving ships of resistance, sinking others to choke the channel, and driving out of his way "a great many idle lords and "gentlemen," who had accompanied him "with their "pistols and fooleries." On the 11th and 12th and 13th the main intention of the Dutch became apparent. While one part of their fleet was left in the Thames itself, as if for Gravesend and London, another advanced

Invasion

Thames

*by
Duke*

*June
16*

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On the 8th of February 1666-7, while the ruins of the Great Fire were still smoking here and there, the Parliament was again prorogued. During the four months and a half of their sixth session, besides one or two Acts relating to the rebuilding of London and to taxation for the purpose, they had passed an Act for raising an additional supply of £1,800,000, by poll-tax and otherwise, for the expenses of the Dutch war, and also a Bill, which had occasioned very violent discussion, prohibiting, in the interest of English farmers, the importation of cattle from Ireland and from abroad. They had also exacted from his Majesty another proclamation

¹ Pepys, through the year, and specially in June and July, and from Sept. 2 to Oct. 15; Evelyn, Oct. 10; Clarendon, 1185-1189.

for the banishment of Roman Catholic priests and Jesuits, and a promise generally for more strict execution of the laws for religious uniformity. Altogether, a good deal of dissatisfaction had been exhibited in the two Houses with the state of public affairs, and especially with the profligate waste on the King's mistresses and favourites of the money voted for the war. A Bill had been introduced in the Commons for the investigation and future audit of war accounts; and, when it had been signified that the King would resent this as an invasion of his prerogative, there had been threats of bringing Lady Castlemaine into Parliamentary view. There had been sharp language in the King's speeches in giving assent to Bills, and he had parted with the Parliament on worse terms than on any previous prorogation ¹.

Clarendon, about this time, had made a great impression on Mr. Pepys, who observed him more particularly at meetings of the Tangier Committee, of which they were both members. "I am mad in love with my Lord "Chancellor," says Pepys: "he do comprehend and "speak out well, and with the greatest easiness and "authority that ever I saw a man in my life. I did "never observe how much easier a man do speak when "he knows all the company to be below him than in "*him* ; for, though he spoke excellent well, yet his "manner and freedom of doing it, as if he played with "it, and was informing only all the rest of the company, was mighty pretty." To all appearance, indeed, Clarendon was now at the summit of his grandeur. His great new mansion in Piccadilly had been finished, or

¹ Parl. Hist. IV. 332—360; Pepys, Dec. 12, 1666, and Feb. 8, 1666-7.—Pepys distinctly notes the continued smoking of parts of the ruins of the burnt city to as late as March 16, 1666-7, more than six months after the fire.

12. 1667 all but finished, just before the Great Fire; and he had entered into possession of it, perfectly satisfied with its magnificence, though rather troubled at finding that the outlay upon it was three times what he had originally contemplated, or nearer £60,000 than £20,000. "To the Lord Chancellor's house, the first time I have been therein," writes Pepys on the 22nd of April 1667; "and it is very noble, and brave pictures of the present nobility."

But Clarendon's influence was waning fast. Since the Oxford session of the Parliament, his intercourse with the King had become less and less confidential; Lady Castlemaine and her clique had gradually laughed out of the King's mind whatever of awe or respect for the Chancellor's character and abilities had remained there; and his own occasional remonstrances with Charles on his debauched life, only wearisome at first, had become intolerable. Then, at the Council Board, there had been less and less of deference to his opinion. In the business of the Dutch war, Arlington, Ashley, and Sir William Coventry had been the chief managers, in association with Albemarle and the Duke of York; and Clarendon observed that Sir William Coventry in particular, in consequence of the authority he had acquired in naval matters, had begun to presume in all matters whatsoever. The King, for example, having complained to Clarendon of the squibs and pasquils about himself, and about Lady Castlemaine and other ladies, that were in circulation in London, fabricated chiefly in coffee-houses, and Clarendon having agreed with the King that such licence of speech was atrocious and must be put down, and having suggested that the best method would be either an instantaneous closing of all the coffee-houses

of London or the dispersion of spies among them to listen to the conversations and inform against offenders, Coventry had turned the notion into such ridicule at the Council Board that the King, to Clarendon's chagrin, had seen fit to let the coffee-houses alone. But, besides Arlington, Ashley, and Coventry, there was now in the Privy Council and Ministry another person hostile to Clarendon. This was Sir Thomas Clifford, M.P. for Totness, a bold and high-spirited young man, and, like Arlington, a crypto-Catholic. On the death of Sir Hugh Pollard in November 1666, he had been chosen, at Arlington's instance, to succeed that knight in the *Comptrollership of the Household*, with a seat at the Privy Council. A still heavier blow came in May 1667. On the 16th of that month the Earl of Southampton died. Next to the Duke of Ormond, he had been the firmest of Clarendon's friends and the most powerful prop of his administration; and, as Ormond had been mainly absent in Ireland in the duties of his Lord-Lieutenancy since 1662, it was on Southampton rather than on Ormond that Clarendon had been leaning, for advice and sympathy, for some years past. Who should succeed the earl in the great post of *Lord High Treasurer*? To Clarendon's discomfiture, the King and the Duke of York decided not to fill up the post at all, but to put the Treasury into the hands of five Commissioners. These were to be Albemarle, Ashley, Coventry, Clifford, and Sir John Duncombe, a country gentleman, known hitherto only as M.P. for St. Edmundsbury. From that moment the Clarendon administration may be said to have been completely disintegrated. But the Chancellor would not yet recognise the fact. He had confidence in himself; and, though he knew that he had given offence to both

Cliff

May

The conditions for England were more favourable than might have been expected.

"The public no sooner entered into this repose than the storm began to arise that destroyed all the prosperity, ruined the fortune, and shipwrecked all the hopes of the Chancellor, who had been the principal instrument in providing that repose." The words are Clarendon's own. To the end of his life he seems to have retained his amazement at what followed. First, and suddenly, came the death of his wife. She was his second wife, but married to him as long ago as 1634, and "the mother of all his children, and his companion in all his banishment, and who had made all his former calamities less grievous by her company and courage." She was buried in Westminster Abbey, August 17, "at the foot of the steps ascending to King Henry VII's chapel." The widower sat alone in his splendid house, where he was honoured by his Majesty a few days afterwards with a visit of condolence. But a few days after that his son-in-law the Duke of York came with a message from his Majesty that it was highly desirable on various grounds, but especially for his own safety, that he should resign the Chancellorship. "The Chancellor was indeed as much surprised with this relation as he could have been at the sight of a warrant for his execution." He refused to resign the seals till he should have another interview with his Majesty, with an explanation of reasons on both sides. The King was graciously pleased to signify that, as the Chancellor was in mourning, he would come again to Clarendon House for the purpose. Meanwhile the Duke of York remained manfully faithful to his father-in-law, and the Duchess of York, Archbishop Sheldon, and others, were imploring

death of

Clarendon's

second wife

Aug. 17

interesting

Clarendon's

his Majesty to reconsider his decision. At moments it appeared that they had succeeded. The King did not go to Clarendon House after all, but appointed his own chamber in Whitehall for a private conference with the Chancellor. Thither Clarendon went at ten o'clock on Monday the 26th, and had a discourse with the King for two hours. The King seemed firm in his resolution, spoke of certain information he had of an intended impeachment of Clarendon by Parliament when it met again, professed his anxiety for the Chancellor on this account, and reminded him of the fate of Strafford. The Chancellor appealed to his Majesty whether "throwing off an old servant, who had served the Crown in some trust for near thirty years," would be to his honour or advantage. He distinguished his case from Strafford's, said he had no fears from Parliament for himself, and besought his Majesty, in his own interest, not to be "dejected with the apprehension of the formidable "power of the Parliament, which was more or less, or "nothing, as he pleased to make it," adding that "it was "yet in his Majesty's own power to govern them, but, "if they found it was in theirs to govern him, nobody "knew what the end would be." Thereupon he made "a short relation" of the history of Richard II, but unfortunately, "in the warmth of this relation," found an opportunity to mention a certain "lady," with cautions and reflections that might better have been avoided. The King gloomed, and "rose without saying anything;" and the interview came to an end. As Clarendon was going away through the private garden, it was full of people, he says, and he saw Lady Castlemaine, Lord Arlington, and Mr. Baptist May, keeper of the privy purse, "looking together out of her open window with

Aug 26.

great gaiety and triumph." Pepys tells the same story, with the difference that Lady Castlemaine was in bed when the Chancellor left the palace, though it was twelve o'clock, but "ran out in her smock into her aviary looking into Whitehall Garden," where, her woman having brought her a dressing-gown, she "stood blessing herself at the old man's going away," and chatting with the gallants that came up. Two or three days of uncertainty yet passed; but on Friday the 30th of August Secretary Morrice came with a warrant under the sign-manual requiring Clarendon peremptorily to deliver up the great seal. He did so "with all the expressions of duty," and heard afterwards that, when Secretary Morrice took the seal to the King, Mr. Baptist May fell upon his knees, and kissed his Majesty's hand, telling him he was now really king, which he had never been before¹.

Clarendon remained in London till the Parliament did meet and an impeachment against him for high treason was actually in process. At length, on the 29th of November, he obeyed the King's orders by withdrawing hurriedly to France. Thither he was pursued by an Act of Parliament banishing him for life. He had left in England four sons, besides the Duchess of York and one other daughter. Of his eight grand-children of the blood-royal six had been born before his exile, of whom only three survived. One of these, a boy, was to die in infancy, as were two daughters yet to be born; but the two infant-girls he had seen and dandled were to live to

¹ Clarendon, 1211-1212 and 1229-1236; Evelyn, June 28 and July 27-28, 1667; Pepys, June 14 and Aug. 27, 1667; Lords and Commons Journals, July 25-29, 1667; Wood's Ath. III. 851-852; Commons Journals, July 15, 1661 and May 13, 1664; Colonel Chester's *Westminster Abbey Registers*, p. 166, with note.

be Queen Mary II. and Queen Anne of England. One of the accusations against him was that he had been too prescient of this sovereign destiny for his grand-children. Had he not provided a childless Queen for Charles; and, when this might have been remedied by a divorce of that Queen, and the marriage of Charles with the wary and eligible Miss Stewart, had he not contrived, in this very year 1667, the sudden marriage of Miss Stewart with the Duke of Richmond? It is certain that some such notions did mingle at last with Charles's other reasons for throwing him overboard, and that Clarendon did not think it beneath him to protest to Charles himself his innocence in the matter of Miss Stewart's marriage. The main thought he must have carried with him into his exile was that he had been the great instrument of the restoration of the dynasty of the Stuarts in the British Islands, and had, in a ministry of seven years, brought the Church and State of England as near to his ideal of perfection as the materials would permit. In this thought, and in the writing of the continuation of his History, to explain the facts to posterity, flowingly and without dates, but with all the confidence of impeccability and all the mastery of a man of genius, he seems to have been happy enough. He never saw England again, but died at Rouen, Dec. 9, 1674.

BOOK III—CHAPTER I

ENGLISH POLITICS AND LITERATURE FROM 1667 TO 1674

THERE are few periods during which it is more difficult to describe the mechanism of the English government than during the seven years following the fall of Clarendon. The difficulty has been acknowledged, rather than explained, by calling the period, or the greater part of it, THE TIME OF THE CABAL ADMINISTRATION.

No need now to correct the old popular fallacy that the word *cabal* was an invention of that time. Most people know that the word *cabal* had already been in use in England, as a designation for any number of persons putting their heads together for any object whatever, but more especially as an alternative name for that secret committee of the King's privy council and ministry which had been long known as *The Junto*, and which we now call *The Cabinet*. Though the strict constitutional theory was that the right and duty of advising the sovereign lay in the whole body of the privy council, and that each minister was the independent servant of the crown in his own department, the two connected institutions of *The Junto* and *The Premiership* are so rooted in the very necessities of politics and of human nature that the existence of one or other, or of both together, had been more or less an open fact in the reigns of all recent English

sovereigns. That neither was liked, that both were regarded as unconstitutional, and that the premier or favourite for the time being, and other members of the Junto or Cabal for the time being, always ran peculiar risks, had not prevented the definite transmission of both institutions through the reigns of James II. and Charles I. The Clarendon Administration for Charles II. from 1660 to 1667 had been in reality a government by intermixed cabal and premiership. What, then, was the difference from 1667 onwards? It was that, instead of a government by continued cabal and premiership in combination, there was now a government by continued cabal without any steady premiership. In other words, Charles himself, so far as he took trouble with public affairs, was now more the master than he had been. No one stood now by his side as indubitably and necessarily the prime minister; and, while he still had his general privy council and ministry of some thirty or forty persons, to be used as a formal agency of state, he could depute the real work of deliberation for him and co-operation with him in state-affairs to any five or six, or any seven or eight, of the privy councillors and ministers most in his confidence. These were his *Cabal* or *Cabinet*, as distinct from the general body of the privy council and ministry; and the peculiarity was that, as the composition of the cabal depended entirely on his own pleasure, it might fluctuate from month to month, or even from week to week. At certain times, indeed, there might even be two halves of the one nominal cabal, separately employed and consulted by the King, and played off against each other.

FROM AUGUST 1667 TO APRIL 1670.

Immediately after the fall of Clarendon, the Duke

of Ormond being then absent in his Lord-Lieutenancy of Ireland, the cabal round Charles for English affairs consisted of the Duke of York, the Duke of Albemarle, the Duke of Buckingham, Sir Orlando Bridgman (made *Lord Keeper* in succession to Clarendon as *Lord Chancellor*), *Lord Privy Seal* Roberts, and Lord Arlington and Sir William Morrice, the two *Secretaries of State*; with whom, for occasional purposes, were associated Lord Ashley, as *Chancellor of the Exchequer* and one of the *Commissioners of the Treasury*, Sir Thomas Clifford, as *Comptroller of the Household* and one of the *Commissioners of the Treasury*, and Sir William Coventry, as one of the *Commissioners of the Treasury*. This cabal was modified by some subsequent changes. In June 1668 Clifford was promoted to the *Treasurership of the Household*, the *Comptrollership* going to Lord Newport. In September in the same year Sir William Morrice, who had been dwindling in importance, retired from his *Secretaryship of State* for £10,000, and was succeeded by Sir John Trevor. In March 1668-9, in consequence of a quarrel with Buckingham, Sir William Coventry was dismissed. Early in 1669, the Duke of Ormond having been removed from the Lord-Lieutenancy of Ireland by Buckingham's contrivance, Lord Roberts went to Ireland as his successor. On the 3rd of January 1669-70 Monk died of a dropsy, at the age of sixty-one, and there was to be no farther influence of his in the affairs of the Restoration. The general effect of these changes had been to increase the importance of Ashley and Clifford in the cabal. On the whole, however, the chiefs from the beginning were Buckingham (without office till he became *Master of Horse* by purchase from Monk) and Lord Secretary Arlington. A kind of pseudo-premiership, indeed, had been accorded

Heath 61

Monk.

Jan. 12. 1670.

to Buckingham, which might have been turned into a real premiership but for his incorrigible fitfulness and the scandal of his private profligacies. As it was, the steadier, calmer, and more laborious Arlington was more than his rival, especially in the foreign department. Ashley was first distinctly adopted into the cabal as an adherent of Buckingham, and Clifford as an adherent of Arlington¹.

Consisting mainly of a selection of the politicians that had been in opposition to Clarendon, the very characteristic of this cabal of Buckingham's pseudo-premiership was its willing agreement with the King in an endeavour to reverse some parts of Clarendon's policy, and more especially his rigid church-policy, as it had taken shape in such barbarities as the Act of Uniformity, the Conventicles Act, and the Five Miles Act.

Already, since the Great Fire of London, and partly in consequence of that event, there had been a considerable relaxation of the severities against Nonconformists. After the burning of so many churches, it was thought "a thing too gross" to try to prevent the ejected Nonconformist ministers of London from meeting their distressed and impoverished old congregations in the open air, or in temporary tabernacles amid the ruins. The liberty thus recovered by sheer necessity in London had extended itself by contagion into most parts of the country. Nonconformist ministers everywhere were preaching openly, and crowds were flocking to hear them. With this breaking down of the practice of the Acts against Nonconformity there had naturally come a disposition to revive the question of their expediency. Now that England had an established Episcopal Church, with

¹ Beatson's Political Index; several Articles in Wood's *Ath.* and *Fasti*; Pepys in various places; Christie's *Life of Shaftesbury*, II. 1-4.

abundant powers and revenues, and that Church was safe, was there no other mode of dealing with the dissenters from that Church than the systematic coercion by pains and penalties, the systematic persecution, that had seemed necessary to Clarendon, Sheldon, and the rest, and had been organized into statutes by the Cavalier Parliament? Might there not be a return to that policy of a moderate indulgence in religious matters, a regulated toleration of Nonconformist worship, which the King had promised from the first, which he had again and again recommended in vain, and which he was understood still to favour¹?

Buckingham's Cabal, if we may so call it, took this very proper view of things, and were all so far of the King's mind in that matter. There were, however, two sets of politicians in the Cabal, with a corresponding difference in their reasons for inclining to a policy of toleration. There was the *Protestant Liberal* section of the Cabal, consisting of Lord Keeper Bridgman, who was an Episcopalian of a temperate order, Monk and Roberts, who had been Presbyterians and retained Presbyterian sympathies, and Buckingham and Ashley, who were Sceptics or Deists in the guise of Church-of-England men. There was also the *crypto-Catholic* section of the Cabal, represented by the Duke of York, Arlington, and Sir Thomas Clifford. The former were inclined to a policy of toleration by arguments of natural good sense, Buckingham by far the most liberal of them, and willing to go to great lengths, but the rest recognising limits, and Ashley with an express reservation, which he had put on paper, that no toleration to be granted could with political safety be extended to the Roman Catholics or the Fifth

¹ Baxter, Part III. p. 22.

Monarchy men¹. One of the very motives of the crypto-Catholics of the Cabal, on the other hand, in concurring in a policy of toleration for the Presbyterians, the Independents, the Baptists, and other Protestant sects, was that the Roman Catholics might be included, and there might thus be farther study of Roman Catholic interests and prospects in England. Charles himself, it was to appear very notoriously, was inspired, and had all along been inspired, by this peculiar motive in *his* efforts for a toleration. His Majesty, therefore, was best represented, and knew himself to be best represented, in the religious question, by the crypto-Catholic section of his Cabal. They were sincere enough in their desire for a general toleration, and were influenced by the same reasons of good sense and good nature that actuated their liberal Protestant colleagues ; but their conduct of the toleration question practically was liable to a subtle influence from their secret motive. A toleration of the Roman Catholics being a notion to which the mass of the English people were obstinately opposed, might not the only way to educate them in that notion, and to obtain a toleration for the Roman Catholics, be to give full rein now and then to the persecution of the Protestant Nonconformists of all varieties ? Might not the Nonconformists be thus driven, for their own sakes, into conjunction with the Roman Catholics and a demand for a general toleration of all religionists ? This peculiar subtlety of motive on the part of the crypto-Catholic tolerationists of the Cabal of 1667 was to take effect in occasional infidelities to their principle of toleration, and relapses into the persecuting policy.

¹ Memorial on Toleration by Ashley in Christie's *Shaftesbury*, Vol. II. Appendix.

Not, however, at any time between 1667 and 1670. During those years the King and the Cabal collectively moved in a straightforward course on the religious question. They allowed the subject of toleration to be freely ventilated and discussed; Sheldon, Morley, and the other High Episcopal divines found themselves out of favour; and the agreement was to let the persecuting Acts be as inoperative as possible. They even did their best for a repeal in Parliament itself of the Clarendonian Acts against the Nonconformists. Here, however, they ran against a rock.

Parliament was not sitting when the Buckingham Cabal was formed; and, when it did meet for its *Seventh Session* on the 10th of October 1667, the great business for some time was the impeachment of Clarendon. That having been ended by Clarendon's flight to France and an Act for his perpetual banishment, and the two Houses, after an adjournment for seven weeks, having reassembled on the 6th of February, 1667-8, the question of a toleration for the Nonconformists was most expressly recommended to them by a speech from the King. Neither the speech nor the subsequent exertions of ministers and others in debate had any effect. The Parliament, though it had just been impeaching Clarendon for high treason, was, in two thirds of its bulk, an obdurate mass of unmitigated Clarendonianism still in all matters ecclesiastical. There were resolutions in the Commons humbly desiring the King "to enforce "obedience to the laws in force concerning religion and "church-government;" there were complaints of the "insolent carriages" of Nonconformists; and, after a debate of several days on the motion "that his Majesty be "desired to send for such persons as he shall think fit to

"make proposals to him in order to the uniting of his "Protestant subjects," the proposal was lost on the 8th of April by 176 votes to 70. There had also been brought in a bill for continuing the *Conventicles Act* of May 1664, which had expired on the 2nd of March 1667-8, and the expiry of which had contributed somewhat to the recent liberty of the Nonconformists. This bill passed the Commons by 144 votes to 78 on the 28th of April, and it would doubtless have passed the Lords too, had not the two Houses adjourned themselves for three months, by the King's desire, on the 9th of May. By farther adjournments, followed by a prorogation, they were to be kept from farther concern with public affairs for seventeen months¹.

Evidently, it was better for the Nonconformists that Parliament should not be sitting, and that they should be left to the mercies of the King and the Cabal. For seventeen months, accordingly, there was a continued breathing-time for the milder Nonconformist sects. The King and the Cabal even persevered in the design in which they had been baffled by Parliament. Dr. John Wilkins having been made Bishop of Chester in November 1668, there was a negotiation in the following year by this liberal bishop, Lord Keeper Bridgman, and Chief Justice Matthew Hale, on the part of the government, with Baxter, Manton, and other leading Nonconformists, pointing not only to a settlement of terms for a limited *toleration* of sects beyond the Established Church, but even to a revival of the question of a *comprehension*. The negotiation was still in progress when Parliament met again, Oct. 19, 1669².

¹ Commons Journals and Parl. Hist. of dates.

² Baxter, III. 23, *et seq.*

This, the *Eighth Session* of the Cavalier Parliament, was a short one, for the Houses were again prorogued by the King on the 11th of December. But in those two months they fell again with such fury on the Non-conformists that the King and the Cabal had to succumb. The negotiation with the Presbyterians was quashed ; there were numerous informations and complaints in the two Houses as to evasions of the Conformity Acts, the increase of conventicles and wooden "tabernacles" in London, &c. ; and a bill was again brought in for renewing the Conventicles Act. Only the brevity of the session prevented the passing of such a bill. That and other things were reserved for the *Ninth Session* of the Parliament, which was to meet on the 14th of February 1669-70.

Connected more intimately than was then known with the domestic question of religion which had been thus managed by the Cabal from 1667 to 1670, and agitated between them and Parliament, had been certain transactions of the foreign policy of Charles and the Cabal during the same years. They cluster themselves in English history under the two names of THE TRIPLE ALLIANCE and THE SECRET NEGOTIATION WITH FRANCE.

Since the death of Mazarin in 1661 Louis XIV. had been acting the Grand Monarque superbly and laboriously for himself. The dominant idea of this young monarch in his foreign relations, the idea which was to determine all the vicissitudes of his unusually long reign, had been fully revealed. He was bent on the *Spanish Succession*, i. e. on the triumph of France at last over her European rival, the decaying empire of Spain, by the assertion of the rights of his wife, Maria Teresa, the daughter of

Philip IV. of Spain, to her full Spanish inheritance after her father's death. Direct application to Philip IV. having failed, Louis had negotiated on the subject with other powers, and especially with the Dutch. Admitting that the succession to the main Spanish monarchy should belong, by Spanish law, to Philip's male heir, the young child Carlos, born by a second marriage, he had contended that a portion of the Spanish Netherlands ought to come at once to Maria Teresa on the death of Philip. To induce the Dutch to favour his claim, he had proposed that they and he should, on Philip's death, partition the Spanish Netherlands between them. The Dutch had declined the temptation, dreading the proximity of such a power as the French to their Republican seven provinces, and thinking it better that those dear-bought provinces should continue to have their old enemies, the now weakened Spaniards, for their neighbours and their barrier against France. Accordingly, when Philip IV. of Spain did die in 1665, leaving all his dominions to the feeble and sickly Carlos II., Louis had acted alone. Having reiterated his demands on Spain for the immediate cession of the portion of the Spanish Netherlands which he claimed as his wife's, he had, in 1667, sent an invading French army into the disputed territory. But the invasion had spread uneasiness throughout Europe. The Pope, the German Emperor, and other friends of Spain, were in alarm ; the Dutch were in alarm ; how was England to act ? Anxious to secure the co-operation or the neutrality of England, Louis had sent an embassy, with magnificent offers to Charles himself, and with money to bribe his advisers ; but, though Charles inclined decidedly to a bargain with Louis, popular feeling and the feeling of a part of the Cabal ran in the other

direction. The result was that Sir William Temple, then English agent at Brussels, had been instructed to open negotiations with the Dutch. Sir William, in a few interviews at the Hague with the Dutch Grand Pensionary De Witt, had done his work well ; and, on the 23rd of January, 1667-8, there was the famous **TRIPLE ALLIANCE**, consisting of three treaties, one of them secret, pledging England, the United Provinces, and Sweden, to act in concert in compelling Louis to accept one or other of two alternative sets of terms he had been offered by Spain. Then, more easily than had been expected, Louis had given way. On the 15th of April 1668 he made peace with Spain on the arrangement of keeping his conquests in Flanders and resigning others. He had so managed matters that, while seeming to yield, he lost nothing. But the conduct of the Dutch rankled in his memory. By adopting the alternative which allowed him to retain his conquests in Flanders, he had become deliberately their close neighbour ; and he had vowed a terrible revenge¹.

Hardly had the **TRIPLE ALLIANCE** been formed when there began **THE SECRET NEGOTIATION WITH FRANCE** for undoing it. The first overtures were made by Charles himself, in conversation with the French ambassador Ruvigny, in April 1668 ; and through the rest of that year and the whole of 1669 the negotiation went on, with missions and cross-missions, divisions in the Cabal, distributions of French money among the members of it, and the employment of Buckingham and Arlington alternately as chief negotiator for Charles.

¹ Mignet's great work entitled *Négociations relatives à la Succession d'Espagne sous Louis XIV.* : Introd. and Vols. I. and II. It is a pleasure to refer to such a work as this, so masterly in its kind for luminousness, accuracy, and insight.

What Louis wanted was simply the co-operation of England in his meditated war against the Dutch ; and for this he was ready to pay Charles most handsomely. So far nothing could be more agreeable to Charles. What *he* wanted above all things was money. The vast sums voted him by Parliament had been squandered no one knows how ; he was immeasurably in debt ; the pay of the navy, the household, the public offices, was wretchedly in arrears ; the daughters of the horse-leech were clamorous. Readiness to accept money in the largest possible quantity from any quarter had thus become nine-tenths of the whole soul of Charles. He hated the Dutch, and was pleased enough to be a party to a war against them, and to receive money on that account. But in the proposed partnership with his young cousin Louis he foresaw a splendid futurity of money generally. Might he not increase his price at once by throwing something else into the bargain besides that promise of co-operation against the Dutch which Louis wanted ? Might he not, for example, offer to declare himself a Roman Catholic ? There is no doubt that the crypto-Catholicism of Charles was as sincere a sentiment as any he felt, and that he had never ceased in a lazy way to remember his secret overtures to the Pope in 1662-3. Equally certain it is, however, that his negotiation with Louis came upon him rather unexpectedly as a fit opportunity, and that a judicious use of the opportunity for money purposes was part of his calculations. There were family consultations on the subject, ending in a conference held in the Duke of York's house on the 25th of January 1668-9. It was at this conference, at which, besides Charles himself and the Duke, there were present Arlington, Clifford, and the

Roman Catholic Lord Arundel of Wardour, that the scheme took formal shape. The Duke had for some time been so honestly a Roman Catholic as to be uneasy in concealing the fact, and it was agreed that he and Charles should declare themselves Roman Catholics together at the right moment. It was then communicated to Louis that Charles desired to enlarge the scope of the negotiation that had been going on between them. He would assist Louis, as required, against the Dutch ; but he would also declare his change of religion, and thus take a step towards the re-establishment of Catholicism in his dominions, if Louis would be his patron in that intention. It may be doubted whether Louis altogether liked the idea of becoming patron and paymaster of so stupendous an enterprise as the conversion of the British Islands to the true faith in the manner proposed. He felt it impossible, however, to decline ; and so the negotiation did proceed on the double basis of *the Declaration of Catholicity* and *Partnership in a War against the Dutch*. The utmost secrecy had now to be studied. All but the crypto-Catholic members of the Cabal were kept in the profoundest ignorance of the extended purpose of the negotiation ; even M. Colbert de Croissy, who had succeeded Ruvigny as French ambassador in London, was kept in ignorance for a time. The agents for Charles and his brother were Arlington, Clifford, Lord Arundel, and Sir Richard Bellings ; and the special link of communication between king and king was Charles's favourite and only remaining sister, the Princess Henrietta, now for seven years the unhappy wife of Philip, Duke of Orleans, the only brother of Louis. The differences that arose in the course of the enlarged negotiation were on two questions. Whether should the declaration of Catholicity

or the war with the Dutch have the precedence ; and how much would Louis give to Charles on the two accounts ? While Louis was for the war first and the declaration of Catholicity afterwards, Charles and the Duke of York were for giving precedence to the declaration of Catholicity ; and, while Louis wanted to give as little on either account as would be accepted, Charles wanted all he could obtain. On the 18th of December 1669, Colbert having by this time been taken into complete confidence, there was submitted to him, on the part of Charles, a draft treaty, reducing all to regular form. It fixed the price of the Declaration of Catholicity at £200,000 sterling, stipulating farther that Louis should "assist his Britannic Majesty with troops and money" if there should be any rebellion in England in consequence of the declaration ; and it fixed the subsidy to be paid by Louis to Charles for the Dutch War at £800,000 a year while the war should last. Louis, at sight of the draft treaty, pronounced the demands exorbitant ; Charles intimated that they might be lowered ; and, Louis having agreed that the time of the declaration of Catholicity should be left to the discretion of Charles, the two Kings were chaffering over the sums when the *Ninth Session* of the English Parliament met¹.

From Feb. 14, 1669-70, when Parliament met, to April 11, 1670, when it adjourned, much of its attention was occupied by a piece of business of an apparently private nature. This was known as "Lord Roos's business," and consisted in the pushing of a bill through the two

¹ Sir John Dalrymple's *Memoirs of Great Britain and Ireland* (1771-1778), II. 3-56 ; Lingard (second edition), XII. 200-206 ; Mignet, III. 1-168. The substance of the extraordinary revelations was first given to the world by Dalrymple from archives in the French Foreign Office ; but Mignet's narrative is the most elaborate and thorough.

Houses to enable John Manners, Lord Roos, the eldest son of the Earl of Rutland, to marry again, notwithstanding that his wife, accused of infidelities to him, was still alive.

What gave importance to the bill was the knowledge that it was pushed with an ulterior purpose, interesting to the whole kingdom. Charles's Portuguese Queen was childless, and an heir by her to the throne seemed an impossibility. Would Charles acquiesce in leaving the succession to his brother, or to that brother's children, the grandchildren of the exiled Clarendon? Might he not be either divorced from his present wife, so as to be able to marry again, or permitted that bigamy for which there had been precedents in other countries and arguments by some of the reforming divines? The method of divorce seeming the easiest, Buckingham had undertaken to create the necessary precedent for legitimizing a second marriage after divorce by carrying the Lord Roos bill. Introduced into the Lords on the 5th of March, it did not pass the first reading till the 17th, when, after a long and vehement debate, there was the narrow success of 41 present lords and 15 proxies in favour, to 42 present lords and 6 proxies against. The Duke of York, whose interests were at stake, was, of course, one of the most strenuous opponents of the bill; and he was backed by the two archbishops, nearly all the bishops, and a number of the peers, among whom were Bristol and other Roman Catholics. The second reading having been carried with the same extraordinary difficulty, it seemed very likely that it might be thrown out on the third. What was the surprise of their Lordships when, at this stage,—to wit, on the 21st of March,—the King sauntered into the House unexpectedly, and announced that he meant to

renew a laudable custom of his predecessors long ago, by coming in among them now and then in a friendly and informal way and listening to their debates ! Their Lordships, though much perplexed, thanked his Majesty for his condescension ; and from that day all order was at an end in the upper House, in consequence of the King's formed habit of dropping in when he liked, standing by the fire, chatting with the peers in groups, and soliciting them for anything he wanted. He had been several times in the house in this fashion when, on the 28th of March, the Lord Roos bill passed the third reading, still after much opposition, and with the recorded dissents of the Duke of York and many bishops and peers. Going into the Commons that day, it passed the second reading there next day by 141 votes to 65, and the third reading on March 31¹.

The bill for enabling Lord Roos to marry again was consequently one of the bills to which Charles had the pleasure of giving his assent on the 11th of April 1670, when there was an adjournment of the two Houses for six months. Another of the bills, to which he gave his assent more reluctantly, was a *New Conventicles Act*. At the beginning of the session he had let it be known to the Nonconformists that, as he needed supplies from Parliament, he could no longer resist the determination of that highly Clarendonian assembly to revert to the full stringency of Clarendon's ecclesiastical laws. The New Conventicles Act had, accordingly, been carried without more formidable opposition than could be offered by private members. In some respects it was more severe than the former Act, and Marvell calls it the "quint-

¹ ¹ Lords and Commons Journals of dates ; Parl. Hist. IV. 447 ; Burnet, I. 452—455 ; Lingard, XII. 210—214.

essence of arbitrary malice." It defined an illegal conventicle to be any meeting for worship, otherwise than according to the practice of the Church of England, at which more than four persons should be present in addition to the members of the family in whose house it should be held, or at which, if it were in the fields or an uninhabited place, more than four persons should be present in all. Any person over sixteen years of age attending such a conventicle was to be liable to a fine of five shillings for the first offence, and of ten for every subsequent offence, while the penalties for preachers or teachers in conventicles were to be £20 for the first offence, and £40 for every other, and householders allowing conventicles in their premises were to forfeit £20 for each offence. One third of the fines in every case was to go to the informer and his assistants. Justices of peace and constables were empowered to break open doors if necessary in execution of the Act; lieutenants and deputy-lieutenants of counties, and officers of the militia, were to disperse conventicles with horse or foot, if necessary; and, in all cases of doubt, the Act was to be interpreted most beneficially for the suppression of conventicles¹.

FROM APRIL 1670 TO JUNE 1673.

The most curious result of Charles's interest simultaneously in two such matters as the Secret Negotiation with France and the Marriage Bill of Lord Roos was the disintegration of the Cabal for the time into two halves. For the negotiation with France the real Cabal consisted only of the crypto-Catholic members of the nominal Cabal,—viz. the Duke of York, Arlington, and Clifford,

¹ Statutes at Large, 22 Car. II. cap. 1; Grosart's edition of Marvell, II. 316.

—while Buckingham, Ashley, Trevor, and the rest, were kept quite in the dark as to the King's true drift. For the Lord Roos business, on the other hand, Charles had worked precisely through Buckingham, Ashley, and Trevor, with assistance from Lauderdale and the Earl of Orrery, while the Duke of York, and Arlington and Clifford, in the Duke's interest and in the interest of Roman Catholicism, were keenly in the opposition. This co-existence of two Cabals could hardly continue long; and it depended on Charles's choice between perseverance in the French negotiation and perseverance in the design of a second marriage which of the two should have to be discharged and which extended to the necessary dimensions by recruitment. The difficulty was solved by the abandonment of the project of a second marriage. Although there was talk of a Royal Divorce Bill, to be brought into Parliament when it reassembled, Charles seems to have given little attention to the subject after the passing of the Lord Roos Bill, or rather to have made up his mind that it would be harsh and unnecessary to insult and disturb the poor Portuguese lady who was his wife. Hence, from April 1670 onwards, an apparently reunited Cabal. It consisted of BUCKINGHAM, ARLINGTON, ASHLEY, CLIFFORD, the Scottish LAUDERDALE, the Duke of York, Lord Keeper Bridgman, and co-Secretary Sir John Trevor, with one or two subordinates. The first five being the real chiefs, and some ingenious person having observed that the initials of their names, if taken in a certain order, actually formed the word CABAL, the anagram has come down as a convenient device for recollecting the personal composition of Charles's Cabinet from 1670 to 1673. It is not to be forgotten, however, that there was still a division of the Cabal, which Charles

could recognise on occasion. There was the Liberal Protestant section, of which the chiefs were the Deists Buckingham and Ashley and the Scottish Presbyterian Lauderdale; and there was the crypto-Catholic section, headed by Arlington and Clifford, in private league with Charles and the Duke of York for the secret purposes of the negotiation with France¹.

That negotiation reached a definite conclusion in the so-called SECRET TREATY OF DOVER of May 22, 1670. The Duke of Orleans had sulkily consented that his wife, the Princess Henrietta, should visit her brother in England for the purpose, on the strict condition that she should remain but a few days and should not go to London. Charles had met her, on her arrival at Dover on the 15th, with the fondest demonstrations of affection; and it was under cover of festivities in honour of her visit, dramatic performances for her entertainment, and the like, that the treaty was arranged, signed, and sealed. The signatories on the English side were Charles himself, and Lord Arlington, Lord Arundel, Sir Thomas Clifford, and Sir Richard Bellings, as his commissioners, while M. Colbert de Croissy alone, as representative of Louis, signed on the other part. The treaty consisted of one general article, constituting perpetual alliance and amity between the two kingdoms, and of ten specific articles. Nine of these ten specific articles related to the co-operation of the two powers for the assertion of any rights to the Spanish succession that might eventually accrue to Louis, but chiefly to their co-operation in an immediate war with the Dutch. Charles bound himself to furnish a land force of 6000 foot, in aid of the

¹ Burnet, I. 454—455; Lingard, XII. 233—238; Christie's *Shaftesbury*, II. 53—55.

French army invading the United Provinces, and to be paid and maintained by Louis, and also to furnish a fleet of fifty men-of-war to be conjoined with a smaller French fleet, the combined fleets to be under the command of the Duke of York. For this service Charles was to receive from Louis an annual subsidy of three millions of *livres tournois* (about £230,000 sterling) as long as the war should last. This subsidy was to be quite independent of what was promised to Charles by the first of the ten specific articles. That article, the article of *The Declaration of Catholicity*, ought to be given textually :—

“His Majesty the King of Great Britain, being convinced of the truth of the Catholic Religion, and resolved to make his declaration of the same, and to reconcile himself with the Church of Rome, as soon as the interest of the affairs of his kingdom may permit, has every ground of hope and assurance, from the affection and loyalty of his subjects, that none of them, even of those on whom God may not yet have so abundantly shed his grace as to dispose them by this so august example to a like conversion, will ever fail in the inviolable obedience which all peoples owe to their sovereigns, even when of a contrary religion. Nevertheless, as there are found sometimes turbulent and unquiet spirits who endeavour to trouble the public tranquillity, especially when they can cover their designs with a plausible pretext of religion, his Majesty of Great Britain, who has nothing more at heart, after the peace of his own conscience, than to confirm that which the gentleness of his government has procured for his subjects, has thought that the best means to prevent alteration of the same will be to be assured, in case of need, of the assistance of his Most Christian Majesty : who, on his part, wishing to give to the King of Great Britain indubitable proofs of the sincerity of his friendship, and to contribute to the good success of a design so glorious, so useful to his Majesty of Great Britain, and even to the whole Catholic Religion, has promised and hereby promises to give for this purpose to the said King of Great Britain the sum of 2,000,000 *livres tournois* [about £154,000 sterling] ; of which one half shall be paid in cash three months after exchange of ratifications of the present Treaty to the order of the said

King of Great Britain at Calais, Dieppe, or Havre de Grace, or remitted by letters of change to London, at the risk, peril, and expense of the said Most Christian King, and the other half in the same manner three months afterwards. Moreover, the said Most Christian King binds himself to assist with troops his Majesty of Great Britain, to the amount of 6000 foot if necessary, and also to raise and maintain them at his own charge and expense, so long as the said King of Great Britain shall judge them needful for the execution of his design; and the said troops shall be transported by vessels of the King of Great Britain to such places and ports as he shall judge the fittest for the interest of his service, and from the day of their embarkment shall be paid as aforesaid by his Most Christian Majesty, and shall obey the orders of the said King of Great Britain. And the time of the Declaration of Catholicity is left entirely to the choice of the said King of Great Britain"¹.

"*Vendidit hic auro patriam*: This man sold his "country for gold." If ever that sentence of infamy to all ages was applicable to an English sovereign, it was to Charles II. after these transactions with Louis. Had they been divulged at the moment, who knows what might have happened? But the Treaty of Dover was kept as secret as the grave, and the gathering of so many people, French and English, for a fortnight or three weeks in the English port-town nearest the French coast, seemed only the natural celebration of the visit of the charming Duchess of Orleans to her native land and her meeting with her brother. For her the festivities were to have a swift confusion. She had parted from her brother at Dover a few days after the treaty had been signed, and had returned to her husband at St. Cloud, when the

¹ The substance of the story of this treaty was first given to the world as late as 1773 in Sir John Dalrymple's *Memoirs*; but the text of the perfected Treaty had eluded his researches in the French Foreign Office. It was first published in 1829, in the original French, by Dr. Lingard, who had obtained his copy from Lord Clifford of Chudleigh, the descendant of the Clifford of the Treaty (Lingard, 2nd edit. XII. 215—218, and note at end of the volume). But all the facts and particulars, with the most correct text of the Treaty and elucidations, are now to be studied best in the third volume of Mignet's *Négociations Relatives à la Succession d'Espagne*, published in 1842. The French dating of the Treaty is "June 1, 1670."

shocking news came of her death there on the 20th of June after a sudden and short illness. The suspicion ran immediately that she had been poisoned by her husband, or by persons about him, and it was not allayed by the negative evidence of a *post-mortem* examination, attended by two English physicians. Charles was greatly shaken ; but he lived on to prosecute for many years yet the compact with Louis which his sister had arranged for him. At the age of forty years he had become the pensionary of a foreign King, eight years his junior, but with fifty times his intellect and a thousand times his dignity ; and from this moment he was never to dream of being anything else. He was to go on begging and receiving new sums and subsidies of French money, permitting his ministers and mistresses to receive French presents and pensions, and in return taking instructions from Louis on all the affairs of the British Islands, even in such matters as the times of calling, proroguing, and dissolving the Parliaments of England. One agreeable fruit of his secret alliance with Louis was the arrival, in November 1670, of a clever and beautiful young Frenchwoman, Mademoiselle Louise de Querouaille, who had been maid of honour to his dead sister, and was now sent over by Louis to be a new mistress for his Britannic Majesty and a connecting link between the two nations. Lady Castlemaine, this year created Duchess of Cleveland, had been in and out of favour very often of late, and had for some time had publicly established competitors in Nell Gwynn and Moll Davis ; but now Mademoiselle de Querouaille, made a lady of the Bedchamber to the Queen, took her place as chief of the harem ¹.

¹ Mignet, III. 206—214 ; Lingard, XII. 218 ; Burnet, I. 522—527 ; Pepys, July and Aug. 1667, et seq. ; Evelyn, Nov. 1670.

Just before the arrival of the new mistress, viz. on the 24th of October 1670, the *Ninth Session* of the Parliament was resumed after its six months of adjournment. There was, of course, not the least idea in either House of any alliance between Charles and Louis, or any suspicion that the Triple Alliance of January 1667-8 was not still in full force as the compact paramount in the foreign relations of England. It was, therefore, by various general pretexts, and even with professions of zeal for the maintenance of the Triple Alliance, that Charles contrived, through his ministers, to extract from Parliament the very considerable subsidies he wanted for fitting out a fleet and raising some land forces. Having been tolerably successful in this, and not desiring that the Parliament should be in session when he should proclaim the Triple Alliance defunct and proceed to carry out the Secret Treaty of Dover, he got rid of the two Houses by another prorogation on the 22nd of April 1671. The prorogation was to be extended twice, and Charles was not to see the face of Parliament again for nearly two years¹.

Meanwhile, formal ratifications of the Secret Treaty of Dover having been exchanged between Charles and Louis, the only remaining obstruction to Charles, in the matter of a war with the Dutch, to be conducted by himself and his Cabal in the abeyance of Parliament, had been cleverly removed. Only two members of the Cabal, it is to be remembered, had signed the treaty of Dover, the crypto-Catholics Arlington and Clifford, while the other three chiefs, Buckingham, Ashley, and Lauderdale, had been kept purposely ignorant that there was such a treaty at all. They were, and were to remain, as ignorant

¹ Lords Journals of date, and Parl. Hist. IV. 456-497.

of the fact as the rest of the world. Not the less was it necessary, for the carrying out of the treaty, that these Protestant chiefs of the Cabal should be made parties to it in all save the promised *Declaration of Catholicity*. With no engagement of that kind could they or would they have concurred; they would probably have broken with Charles on the mention of it, and appealed to the nation. There was no reason, however, why they should not consent easily enough to all in the treaty that concerned the promised co-operation with Louis in a war against the Dutch. And, in fact, their consent had been brought about by a most extraordinary and prolonged deception. Buckingham had been sent on an embassy to France, as if to end by his own abilities and exertions the intricate negotiations that had been going on between Louis and the whole Cabal in 1668 and 1669,—from which negotiations with the whole Cabal the Catholicity project had been always carefully excluded. The result was that Buckingham, gravely fooled by Louis in Paris, and fooled and played with after his return to London by Arlington, Clifford, and Colbert, worked out, apparently by his own exertions and against irritating opposition, a treaty which was identical in all points with the secret treaty of Dover, except that the article about religion was omitted and the £154,000 sterling promised by that article to Charles for his change of creed was promised in the other form of an increase exactly to that amount in the subsidy for the Dutch war. This *traité simulé* or “mock treaty,” as it was called at the time in the correspondence of Charles and Louis, had been solemnly concluded at London on the 21st of December 1670, Buckingham, Ashley, and Lauderdale putting their names to it, in the belief that it was the only and real one,

while Arlington and Clifford also signed, to complete the delusion. The whole of the Cabal was thus pledged to the war with the Dutch by the later document, while Charles and the crypto-Catholics of the Cabal were pledged also to the Catholicity project by the earlier¹.

Charles, when he had received the £154,000 for his *Declaration of Catholicity*, seemed suddenly less eager about that part of his bargain. His brother James was behaving manfully, not indeed proclaiming himself a Papist, but not caring who knew the fact; and, after May 31, 1671, when he lost his Duchess, Clarendon's daughter, and it transpired that she had been a Roman Catholic for some time, the fact became notorious. But through the whole of 1671, when all seemed ready for the royal Declaration of Catholicity, Charles procrastinated. He was not so sure now that the declaration should precede the war with the Dutch. He wanted to consult theologians as to the proper method; he wanted to consult the Pope; he wanted the Pope to send a French legate into England to manage the business; he was of opinion that the concession by the Pope of the sacrament in both kinds and the mass in English would gain most of the English bishops and facilitate a national reunion with the Roman Church. He was more and more convinced that a precipitate declaration would cause enormous commotion among his subjects, and that only extensive foreign help, and a much larger amount of money than the £154,000 he had received, could carry him through the crisis. He could not expect more from his brother Louis, who had been very generous already; but might not the Pope be persuaded to open his purse, and might there not be a general subscription among the

¹ Mignet, III. 199—268.

Death of
Anne Hyde

May 13. 1671

Non-saying
of Roman
Catholicity

Charles II

French clergy? About a million sterling more, or say half a million, and up would go the Catholicity!—Louis was only amused by these vacillations. Having conceded to Charles his own time for the Catholicity Declaration, and never having cared much himself for that fancy part of the bargain, he was resolved to invest no more money in it than the £154,000 already paid, and for which he had duly taken receipts, and was content with the loss if Charles would keep his engagement for the Dutch War¹.

How could Charles keep that engagement? His government was bankrupt. What with the expenses of fitting out a fleet and fortifying garrisons, what with the drain by interest on previous debts and reckless current lavishness of every kind, all the regular revenue, all the extraordinary supplies of last session of Parliament, and the £154,000 paid by Louis, were exhausted or on the point of exhaustion, while credit, or power of fresh borrowing anywhere, was also gone. How could such a government go to war? The difficulty was overcome by the famous *Stop of the Exchequer* on the 2nd of January 1671-2. Formally, this was the suspension for twelve months of all payments to public creditors of whatever denomination; and, practically, it was the retention of about £1,300,000 owing to goldsmiths and bankers who had advanced moneys to government on the security of assignments upon the revenue. The shock to the commercial world was terrible and the distress among hundreds of families incalculable. The immediate purpose of Charles and the Cabal, however, was served; and, with some ready money in possession, and an

Stop of
the
Exchequer
Jan 2
1672

¹ Dalrymple, II. 83-84, and an instructive memoir by Colbert to Louis XIV, translated in Appendix to Christie's *Shaftesbury*, Vol. II. This memoir proves distinctly that the understanding was not only that Charles should profess Roman Catholicism himself, but that he should also attempt the establishment of that religion among his subjects.

Feb. 2, 1672.

advance from Louis, they were able to face the war. On the 2nd of February 1671-2, there was signed at Whitehall, by the five chiefs of the Cabal and Colbert, a third edition of the Secret Treaty, renewing the articles as they had been expressed in the second edition, or *Traité Simulé*, but, on account of the straitened circumstances of Charles, relieving him for a year from his obligation to furnish a land force together with his fleet. On the 18th of March the English and French declarations of war against the Dutch appeared simultaneously. In the following month, as if to signalize the momentousness of the enterprise to which England was thus committed, and also Charles's continued trust in the ministers who were to aid him in it, there was a remarkable distribution of honours among the members of the Cabal. Buckingham, being a duke, and having also the pre-eminent honour of being Master of the Horse, could be raised no higher; but Arlington, from being a baron only, became Earl of Arlington, Lord Ashley became Earl of Shaftesbury, and Sir Thomas Clifford became Baron Clifford of Chudleigh, while the Earl of Lauderdale, for his various merits, was made Duke of Lauderdale and a Knight of the Garter. There were some new admissions to the privy council and minor ministerial rearrangements about the same time¹.

Though surprised at the sudden rupture of the policy of the Triple Alliance, the English public do not seem to have objected much to a new war with their old enemy. At all events, when news was received of the first great naval battle of the war, the patriotic spirit was roused. It was the battle of Southwold Bay on the Suffolk coast,

¹ Burnet, I. 532-533; Lingard, XII. 238-247; Christie's *Shaftesbury*, II. 56-71 and 83-84; Mignet, III. 699-711; Parl. Hist. IV. 512-515; British Chronologist.

fought, on the 28th of May 1672, between the combined English and French fleets under the Duke of York and the Dutch fleet under Ruyter. It was a confused and desperate fight, with heavy slaughter on both sides, but ending in Ruyter's retreat and so in a kind of victory for the English, though the victory was saddened for them by the loss of one of their admirals, the brave, wise, and gentle Earl of Sandwich. His body was recovered and brought to Westminster Abbey for public funeral. He was forty-seven years of age, and had for some time been disgusted with the state of affairs and with his own concern in them. He had lived to see but the beginnings of a war which was more and more to astound all Europe ¹.

The battle of Southwold Bay, though it had not been won by the Dutch, had at least so crippled the English and French fleets as to ward off for the time the threatened descent of those fleets on the Dutch coasts, to co-operate with the invading French army of 110,000 men led by Louis. That army had to act independently, but with what shattering effect upon the Dutch! On the 31st of May, or three days after the battle of Southwold Bay, the whole army, having approached the Dutch territories by the circuit of the Rhine, had crossed that river; and within a week from that day the three provinces of Guelders, Utrecht, and Overijssel were overrun, and the other four provinces were in consternation. Once more the Hollanders were driven to that last resource of theirs which they had learnt in their war of independence, the opening of their sluices and dams so as to flood the country in front of the invaders, leaving their towns as mere islands on which to live and

¹ Burnet, I. 561—562; Evelyn's Diary, May 31—July 3, 1672; Mignet, IV. 16—19.

May 28. 1672.

Death of
Earl of
Sandwich

fight. Especially the young Prince of Orange, at the head of the little Dutch army of 25,000 men, was moving about among those islands and their canals and dykes, animating his countrymen and doing his best to harass and keep back the French. But why should this young hero, the descendant of those illustrious ancestors who had created Holland, the inheritor of their great wealth and of their German and French titles of Nassau and Orange, be fighting now as the mere general of a Dutch Republican Government headed by the grand pensionary John De Witt and his brother Cornelius? Who but those De Witts and the bourgeois or Republican party which they led, and which had been in power since the death of the last Stadtholder in November 1650, had cultivated the French alliance, had starved the Dutch land army to its present dimensions, had persuaded the Dutch to trust to their naval strength only, and so had brought about this disaster of an overwhelming French invasion? Why not revert even now to the policy of the old military, or Orange, or semi-monarchical party, which had been suppressed for more than twenty years? True, it had recently been paralysed beyond recovery, as it seemed, by the so-called *Perpetual Edict* of 1667, pledging the States-General on oath never to revive the Stadtholderate, but to maintain the strictly Republican constitution of the Seven United Provinces for ever. The present Prince of Orange, then but sixteen years of age, had been sworn to the observance of that edict, and so had resigned all claims to the succession to his father in the Stadtholderate. But, now that he was in his twenty-second year and the military hope of his country, why should not the edict be repealed? Such were the excited questions and discussions in

Prince of
Orange.

1667

Amsterdam, Rotterdam, Dordrecht, Delft, and other Dutch towns, formulated at last into the universal popular cry *Down with the Whites*; and, the States of the various provinces having deliberated with what formalities were possible at such a time, the great revolution was accomplished with electric rapidity, and on the 30th of June 1672 William Henry, Prince of Orange, went to the Hague to be invested with the dignity of STADTHOLDER, CAPTAIN GENERAL, AND ADMIRAL OF THE UNITED PROVINCES. Six weeks later, in the same city, there was the brutal murder of the two brothers, John and Cornelius De Witt, by an insurgent mob, depriving Holland of two of the most noble and virtuous statesmen that ever ruled a commonwealth. The Prince of Orange was absent from the Hague at the time, and heard of the act with horror; but it may have facilitated his first exertions in his new and terribly difficult position. These were no longer against Louis in person, who had set out on his return to Paris on the 16th of July, leaving further operations to Turenne as his generalissimo and his governor of Utrecht. There was plenty of work for Turenne; but not till winter, when the floods should be frozen into ice, could there be footing for his cavalry and infantry into the stubborn region that still remained Dutch. There, with the eyes of all Europe upon him, the young Stadtholder was standing his ground marvellously. He was pretty well known by this time in England, having spent four or five months of the winter of 1670-1 in London on a visit to his uncle. Charles had then studied and sounded him, with a view to ascertain whether he might not be admitted to some knowledge of the secret treaty between himself and Louis, and with some design also to serve

June 30
1672

him, if he found him tractable, by carving out for him, from among the wrecks of his fatherland, when it had been sufficiently conquered, a Batavian principedom in vassalage to Louis. But he had found the young man "so passionate a Dutchman and Protestant" that he had been obliged to desist from the attempt. Now, therefore, uncle and nephew were at open war with each other, and the sole apparent chance for the nephew personally was that the uncle would, in some kindly way, look after his interests when the Dutch were beaten and there should be negotiations for the terms of their surrender. Such negotiations there had been already, Buckingham, Arlington, and Viscount Halifax having been sent to Holland as English plenipotentiaries for the purpose, to join the French agents in treating with the Stadtholder and the States-General; but the terms offered had been so insulting and ignominious that they had been, by the Stadtholder's advice, not only rejected, but posted up in all public places, that all relics of a peace-party among the Dutch might be abashed by reading them, and the entire people might be inspired by his own resolution, communicated by his own lips to Buckingham, to "die in the last ditch" that remained of a once free Republic. And so, through the autumn of 1672, the dykes having been broken down everywhere, to flood what of the level country had not been already submerged, the unconquerable little population lived on somehow in their archipelago of habitable islands, abiding the worst. Emissaries were out among all powers likely to be friendly, and Spain, the Emperor, and some of the German states, dreading the vast aggressiveness of Louis, were astir for the rescue. Might not English feeling itself yet turn in favour of the Dutch and

express itself in the next session of the English Parliament¹?

Not the war with the Dutch so much as a certain *Declaration of Home Policy*, which Charles had put forth simultaneously with the declaration of the war, had been agitating the public mind of England during the unusually long abeyance of Parliament. It was a declaration, dated March 15, 1671-2, suspending by royal prerogative all coercive laws in matters of religion and granting indulgence of separate worship to Nonconformists.

It was high time surely that there should be such a suspension and indulgence. Maddening as had been the treatment of the Nonconformists before, it had become more and more maddening since the passing of the New Conventicles Act of April 1670. There had been a general conspiracy of the civil and ecclesiastical authorities, encouraged by Archbishop Sheldon and other eminent persons, to enforce that Act and all the kindred statutes to the uttermost, so as to stamp out Nonconformity of every variety, if possible, by a tremendous pressure continued through two or three years. The business of detecting and suppressing conventicles had been organized into a system; hundreds of blackguards were making a lucrative living by it, at the rate of £7 or £8 for a single successful information, or sometimes even £15; county justices, as well as magistrates in towns, were perpetually occupied in receiving informations and trying offenders; the jails were full of convicted Nonconformists and Sectaries who could not or would not pay their fines. Most of the Presbyterian ministers and many of the Independent and Baptist

¹ Mignet, IV. 1-75; Dalrymple, II. 79. Nothing can exceed the lucidity of Mignet's narrative of the invasion of the Dutch Republic in 1672 and its immediate consequences.

Just before the arrival of the new mistress, viz. on the 24th of October 1670, the *Ninth Session* of the Parliament was resumed after its six months of adjournment. There was, of course, not the least idea in either House of any alliance between Charles and Louis, or any suspicion that the Triple Alliance of January 1667-8 was not still in full force as the compact paramount in the foreign relations of England. It was, therefore, by various general pretexts, and even with professions of zeal for the maintenance of the Triple Alliance, that Charles contrived, through his ministers, to extract from Parliament the very considerable subsidies he wanted for fitting out a fleet and raising some land forces. Having been tolerably successful in this, and not desiring that the Parliament should be in session when he should proclaim the Triple Alliance defunct and proceed to carry out the Secret Treaty of Dover, he got rid of the two Houses by another prorogation on the 22nd of April 1671. The prorogation was to be extended twice, and Charles was not to see the face of Parliament again for nearly two years¹.

Meanwhile, formal ratifications of the Secret Treaty of Dover having been exchanged between Charles and Louis, the only remaining obstruction to Charles, in the matter of a war with the Dutch, to be conducted by himself and his Cabal in the abeyance of Parliament, had been cleverly removed. Only two members of the Cabal, it is to be remembered, had signed the treaty of Dover, the crypto-Catholics Arlington and Clifford, while the other three chiefs, Buckingham, Ashley, and Lauderdale, had been kept purposely ignorant that there was such a treaty at all. They were, and were to remain, as ignorant

¹ Lords Journals of date, and Parl. Hist. IV. 456-497.

of the fact as the rest of the world. Not the less was it necessary, for the carrying out of the treaty, that these Protestant chiefs of the Cabal should be made parties to it in all save the promised *Declaration of Catholicity*. With no engagement of that kind could they or would they have concurred ; they would probably have broken with Charles on the mention of it, and appealed to the nation. There was no reason, however, why they should not consent easily enough to all in the treaty that concerned the promised co-operation with Louis in a war against the Dutch. And, in fact, their consent had been brought about by a most extraordinary and prolonged deception. Buckingham had been sent on an embassy to France, as if to end by his own abilities and exertions the intricate negotiations that had been going on between Louis and the whole Cabal in 1668 and 1669,—from which negotiations with the whole Cabal the Catholicity project had been always carefully excluded. The result was that Buckingham, gravely fooled by Louis in Paris, and fooled and played with after his return to London by Arlington, Clifford, and Colbert, worked out, apparently by his own exertions and against irritating opposition, a treaty which was identical in all points with the secret treaty of Dover, except that the article about religion was omitted and the £154,000 sterling promised by that article to Charles for his change of creed was promised in the other form of an increase exactly to that amount in the subsidy for the Dutch war. This *traité simulé* or “mock treaty,” as it was called at the time in the correspondence of Charles and Louis, had been solemnly concluded at London on the 21st of December 1670, Buckingham, Ashley, and Lauderdale putting their names to it, in the belief that it was the only and real one,

number of meeting-houses for the use of Protestant Nonconformists. Could anything be more ample or opportune? Yet, strange to say, no sooner had the Declaration appeared than there had been a division of opinion respecting it even among those who had been expected to welcome it with enthusiasm. To the Cavaliers and High Churchmen generally it was, of course, odious beyond expression. It was treason to the Church; it was the recognition of sects and heresies by the Sovereign himself; where would the Church of England be in three years if the Declaration should take full effect? The wonder is that the Declaration seemed to be hardly more pleasing to those politicians of comparatively liberal views who had begun to be called "The Country Party," or even to the Presbyterians and the mass of other Nonconformists themselves. What were the reasons? One was that the Declaration assumed and asserted a right of the crown by prerogative to suspend, and therefore to defeat and annul, Acts of Parliament. However desirable might be a relaxation of the penal statutes against Nonconformists, was the boon to be accepted by an admission of a principle of regal absolutism which might extend to all laws whatsoever? But, further, though the boon professed to be only or chiefly for Protestant Nonconformists, who could mistake the real and ultimate intention? How could a genuine Protestant Nonconformist rejoice in an edict which, while giving liberty to himself indeed, would let loose at the same time the Papal Antichrist? These reasonings of the popular instinct, aided perhaps by some information that had meanwhile leaked out as to the Secret Treaty of Dover, did cause alarms among the Nonconformists almost as vivid as if they had divined

the real fact. This undoubtedly was that, while the declaration for the suspension of the penal laws against Nonconformists recommended itself to the King and the whole Cabal on general grounds, the King and the crypto-Catholic section of the Cabal designed it as a harbinger of the forthcoming *Declaration of Catholicity*. Almost as if this had been divined, the attitude of the Nonconformists to the declaration of suspension was hesitating and suspicious. Only the Quakers were thoroughly thankful, regarding the refusal of the boon because it came from prerogative as an excess of constitutional scruple, and seeing no reason, in their simple theory, why toleration should not include the Roman Catholics. This exceptional willingness of the Quakers to see the Roman Catholics admitted to equal toleration with themselves and all other classes of Nonconformists did not pass unobserved; and the very fact that the Quakers and the Roman Catholics were drawn together by a common interest in the declaration of indulgence increased the general distrust in the declaration, while it brought the Quakers into new odium. Nevertheless, the good practical effects of the Declaration had been already undeniable. It had occasioned, directly or indirectly, the release of many Nonconformists from prisons. John Bunyan, for example, who had been in Bedford jail since 1660, was again at large as a Baptist preacher outside the jail in September 1672. Even before that date Congregational and Presbyterian ministers in considerable numbers had applied for the King's licences for their tabernacles and had received them. There is even evidence that some of the more eminent Nonconformist ministers were offered and accepted temporary government allowances of from £50 to £100

a year for the exercise of their pastoral services among their flocks. This curious fact can bear no other construction than that it had occurred to Charles and some of his advisers that they might go beyond the mere offer of future toleration or indulgence for dissent, and might venture cautiously on some attempt to reopen the greater question of the constitution of the Established Church itself by an experiment in the direction of concurrent endowment of sects.

Willingly would Charles and the Cabal have persevered in the Dutch war and the domestic administration together without the troublesome interference of Parliament. By the device of prolonging the Stop of the Exchequer they had been able to manage current expenses somehow, and so defer the re-assembling of Parliament. But, as farther supplies had become absolutely necessary, renewed prorogation was impossible, and Parliament must be again faced on the 4th of February, 1672-3. In preparation for that date there were various ministerial changes both within and out of the Cabal. Sir John Trevor having died in July 1672, Sir Henry Coventry, a younger brother of the retired Sir William, had been then brought into the Privy Council, and appointed to the subordinate *Secretaryship of State* that had been held by Trevor. But the changes in November 1672 were more remarkable. Sir Orlando Bridgman, uncomfortable or too punctilious in his Keepership of the Great Seal, resigned or was discharged; and the Great Seal, with the supreme title of *Lord Chancellor*, which had been in abeyance since Clarendon held it, was conferred on the Earl of Shaftesbury, to the great surprise of those who regarded the office of Lord Chancellor as tenable only by a professional lawyer.

At the same time the high office of *Lord Treasurer*, which had been distributed among Commissioners since the death of the Earl of Southampton in 1667, was revived and bestowed on Lord Clifford, while Sir John Duncombe succeeded Clifford in the *Treasurership of the Household*, and became also his *Chancellor of the Exchequer*. Notwithstanding these and some minor rearrangements, the Cabal proper remained visibly the same, with Buckingham, Shaftesbury, Clifford, Arlington, and Lauderdale as the five chiefs still. Evidently, however, it was on Shaftesbury and Clifford that the King now depended most, on Shaftesbury for his general inventiveness and powers of parliamentary management, on Clifford for his daring resoluteness of character. Arlington, if not the others, felt this ascendancy of the favoured two. As he had expected the High Treasurership, he was chagrined by the appointment of Clifford to that post; and, though they had been fast friends hitherto, they were henceforth divided¹.

The *Tenth Session* of the Cavalier Parliament extended over less than two months, or from Feb. 4, 1672-3 to March 29, 1673. But, though short, it was to be a most memorable session. The topics of the King's opening speech to the two Houses, and of Shaftesbury's oratorical amplification of the same, were the Dutch war, the French alliance, and the Royal Declaration of Religious Indulgence; and both the King and the Chancellor protested in the strongest manner the utter groundlessness of the suspicions, in any of these connexions, of his Majesty's ardent Protestantism and affection for the Church of England, or of his fidelity to English and constitutional principles. *Delenda est*

¹ Beatson's Political Index; Christie's *Shaftesbury*, II. 93-99.

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Sir John
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1673

Carthago was Shaftesbury's summary of what he considered the duty of Parliament against the detestable Dutch. About that matter, and about various other matters of importance, the two Houses exhibited a singular indifference. They let alone the subject of the Stop of the Exchequer; they signified no general opposition to the Dutch war; they even astonished the King and Court by at once declaring their willingness that one of the results of their session should be a grant of £1,238,750 for the King's use in the conduct of that war. But this grant they held in suspense till there should be fully accomplished what they had resolved should be the main business of the session. Whether by deliberate agreement, or by general instinctive sagacity, they concentrated their entire energies on an attack on the Royal Declaration of Indulgence to Nonconformists. By some means or other they had converted vague suspicions of the secret drift of affairs into tolerable certainty, and had come to regard the Declaration of Indulgence as not only unconstitutional in itself, but also a furtive symbol of a conspiracy, in which Charles, the Duke of York, Louis XIV, and others were engaged, for the subversion of Parliamentary government and Protestantism in England. Nothing else can account for the vehemence of their debates on the Declaration, or for the engineer-like craft of their approaches for sapping and blowing up the whole crypto-Catholic design. "I shall take it very ill to receive contradiction in what I have done, and, I will deal plainly with you, I am resolved to stick to my Declaration," Charles had said in his opening speech. In answer it was resolved by the Commons, Feb. 10, by a majority of 168 to 116, "*That penal Statutes in matters ecclesiastical*

"*cannot be suspended but by Act of Parliament,*" and, four days later, that there should be an address to his Majesty conveying that information. Then, as if to show that it was to the unconstitutional form of the King's Indulgence that there was now objection, and that something equivalent might be yielded by Parliament itself in proper constitutional shape, it was resolved unanimously "*That a Bill be brought in for the ease of his Majesty's Protestant subjects that are Dissenters in matters of Religion from the Church of England.*" For a whole fortnight there was a struggle between the King and the House on the constitutional question, the King maintaining that the right of suspending ecclesiastical laws was a prerogative of the Crown, and the House maintaining the opposite. No farther would the King yield than that he would take the matter "into consideration." To hasten his decision, it was unanimously resolved, Feb. 28, (1) "*That an Address be prepared to be presented to his Majesty, for suppressing the growth of Popery,*" and (2) "*That a Bill be brought in for the incapacitating of all persons who shall refuse to take the oaths of allegiance and supremacy, and the Sacrament according to the rites of the Church of England, for holding any public employments, military or civil.*" Here at length was flung before the King the real gage of battle. Whatever should be done eventually for the Protestant Nonconformists of England, the Roman Catholics of England were to be found out and incapacitated. Charles was furious. What should he do? He could dissolve this Parliament, now nearly twelve years old, and call another; he could dissolve the present Parliament without calling another; he could prorogue the Parliament; or he could leave the Parliament sitting and try to defy it.

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All these methods had their peculiarities of peril, while all alike would leave Charles moneyless for an indefinite time. Dissolution was recommended by Shaftesbury, Clifford, Lauderdale, Buckingham, and the Duke of York, though not by Arlington. An attempt was made to bring over the Lords to the King's views, with no other effect than an intimation that their Lordships would be glad to see him agree with the Commons. To the night of the 6th of March there seemed no chance of such an agreement, or of anything else than an angry dissolution, to be followed by a national commotion. Next day, however, all was changed. The miracle was wrought by a message from Louis through his ambassador Colbert. It was to the effect that Louis sympathized with his Britannic Majesty in his dilemma, but that, as money was indispensable for the Dutch war, and as Charles could have £1,238,750 at once by pleasing Parliament and giving up his Declaration, he had better do so, reserving revenge for some future opportunity. That day, accordingly, Friday March 7, when the two Houses waited upon the King at Whitehall to present the *No Popery* address which they had agreed on, and which prayed his Majesty to banish all Jesuits and Roman Catholic priests not in attendance on the Queen, and also to take means for ejecting all Roman Catholics from the public service or the household, his Majesty signified his heartiest concurrence. Next day, Saturday, March 8, he twice met the two Houses more formally to complete his concessions, and caused it to be intimated that he had on the previous evening, in the presence of some of his Council, cancelled the original of the Declaration which had given so much trouble. "My Lords and "Gentlemen," he said at the second meeting, in reply to

the profuse thanks of both Houses, "I hope there will "be never any more difference amongst us, and I assure "you there shall never be any occasion on my part." There had not been such bonfires of joy for a long while as blazed in London that Saturday night¹.

In accordance with the resolution of the Commons, a Bill for the relief of Protestant Dissenters did pass through that House. It was a very moderate substitute for the cancelled Declaration, but might have been of some use. The Lords, however, were so dilatory over it, or so uncertain about it, that the session came to an end by adjournment before the bill could be matured. Both Houses had been much more in earnest with the incapacitating bill which they had threatened; and, on the 29th of March 1673, when the King had the pleasure of assenting to the bill securing him at last the promised £1,280,750 for his "extraordinary occasions," one of the bills he had to pass along with it was the "*Act for preventing dangers which may happen from Popish Recusants*," known more familiarly as *The Test Act*. In substance, it was as follows:—

The Test Act (March 29, 1673):—"All and every person or persons, as well peers as commoners," bearing "any office or offices, civil or military," or receiving "any pay, salary, fee, or wages" from the Crown, or in the household of the King, or that of the Duke of York, were to be disabled from continuing in their places or drawing their emoluments, unless they should, on or before the 1st of August 1673, (1) publicly, in the Court of Chancery or in the Court of King's Bench, or at quarter sessions, take the oaths of allegiance and supremacy, (2) produce evidence of their having received "the Sacrament of the Lord's Supper according to the usage of the Church of England" in some parish church on some Lord's day, and (3) subscribe this declaration: "I, A. B., do

¹ Lords and Commons Journals of dates; Parl. Hist. IV. 518—561; Christie's *Shaftesbury*, II. 128—135; Dalrymple, II. 93—96; Mignet, IV. 155—156.

"declare that I do believe that there is no transubstantiation "in the Sacrament of the Lord's Supper, or in the elements "of bread and wine at or after the consecration thereof by any "person whatsoever." In addition to loss of office, there was to be a fine of £500 on every person not complying, with disqualification for suing in any court of law, or being guardian of any child, or executor or legatee under any will. There were one or two exceptions or saving clauses, e. g. for the Earl of Bristol and his countess, and for Roman Catholics who had assisted in preserving his Majesty after the battle of Worcester; and it was also provided that there might be re-qualification for office by subsequent compliance¹.

229.1573. Thus, on the 29th of March 1673, ended the famous *Tenth Session* of the Cavalier Parliament. Burnet, who characterizes it as "much the best session of that long Parliament," sums up its merits by saying that "the "Church party showed a noble zeal for their religion, "and the Dissenters got great reputation by their silent "deportment." It was, in fact, the first of a series of what may be called the *No Popery* sessions of this Parliament, giving voice to that national determination to save England at all hazards from any relapse towards Rome in which the Protestant Nonconformists were at one with the English Churchmen and Cavaliers, and in the interest of which they were content to postpone their own claims to toleration; and its distinction in English history is that it had effectually and for ever quashed, as far as Charles himself was concerned, his cherished scheme of a *Declaration of Catholicity*, to be followed by an attempt to re-establish Roman Catholicism in the British islands. It was the more honest Duke of York that was henceforth to trudge on as the Roman Catholic brother, sustaining all the inconveniences of that un-

¹ Lords and Commons Journals from March 8, 1672-3 to March 29, 1673 Statutes, 25 Car. II. c. 2.

popular profession, while the elder brother on the throne was to relapse into his comfortable crypto-Catholicism, professing Church of England Protestantism as hitherto, and persecuting Roman Catholics professedly to any required amount¹.

Charles still clung tenaciously to his partnership with Louis in the Dutch war. He was to assist now not only with a refitted and increased fleet, but also with the land force which he had promised in the secret treaty. The Duke of York having resigned his office of high admiral and all his other commissions rather than comply with the Test Act, the command of the fleet was given to Prince Rupert. After two indecisive actions at sea with the combined English and French fleets against the Dutch fleet under the skilful Ruyter, one on the 28th of May and the other on the 4th of June, the Prince returned to England to take on board the auxiliary land force of 8000 men, which had meanwhile been collected at Yarmouth for a descent on the Dutch coasts. The command of this army, though Buckingham had desired it, had been entrusted to Count Schomberg, a foreign Protestant who had been in the service of Louis. On the 11th of August Rupert, with the English and French fleets, fought Ruyter in a third battle close to the Dutch coasts, for the purpose of landing Schomberg's army. After fighting from daybreak to evening, he was baffled by Ruyter, and had to retreat, carrying the army back to England. This in itself was a great relief for the Dutch; and on the 20th of the same month their prospects were still further brightened by the conclusion of an alliance at the Hague, by which the Emperor Leopold, the King of Spain, and the Duke of Lorraine became bound to

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¹ Burnet, II. 14; Mignet, IV. 136-157.

support their cause offensively and defensively against Louis. For two months before this coalition a congress of French, English, and Dutch plenipotentiaries had been sitting at Cologne, discussing the terms of a possible peace, but with no success¹.

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The Cabal of the five was by this time broken up. The Test Act of March 1673 had accomplished that effect among others. The example of the Duke of York in demitting all his offices rather than take the test, and so exchanging crypto-Catholicism for open and avowed Catholicism, had been followed by many persons of various ranks in the public service. Of these the most conspicuous by far was the Lord Treasurer Clifford. A man of high courage and temper, he had resisted the Test Act in the Lords with a resolute eloquence which surprised his colleagues; and, though every argument was used by Charles, after the session was over, to induce him to submit to the test, he disdained farther concealment of his religion by so flagrant a hypocrisy. He resigned his High Treasurership on the 19th of June, quitting also his place in the Council and his connexion with Court, and retired in disgust to his estate in Devonshire; whence, four months afterwards, came the news of his death: "hanged himself in a silk sash," as the report ran. His former friend and recent rival, Arlington, was of more yielding metal. Taking the test, and remaining in the Cabal, he had made sure now of the treasurership in succession to Clifford, but only to be again disappointed. That great office was conferred on a politician who had not hitherto been of the Cabal, though he had been of the Council for some time, and had there, as well as in the House of Commons, and in

¹ Mignet, IV. 138 et seq.

the treasurership of the navy, proved himself an able man of business and won the reputation of being an especially sound Protestant of the Clarendonian or strict Church of England type. This was Sir Thomas Osborne, M.P. for York, now raised to the peerage as Viscount Latimer of Danby and Baron Osborne of Kiverton; both in Yorkshire. It was symptomatic that about the same time the Duke of Ormond, who had been in eclipse since the fall of Clarendon, and had been long out of that Lord Lieutenancy of Ireland which was naturally and properly his post, was re-admitted to the Cabal. His re-admission was intended as an additional guarantee that the King had learnt the "No Popery" lesson read to him with such emphasis in the late session. In the summer of 1673, accordingly, the reformed Cabal consisted of these seven:—the Earl of Shaftesbury, still *Lord Chancellor*; the Duke of Buckingham, still *Master of the Horse*; the Duke of Ormond, in his old office of *Lord Steward*; the Duke of Lauderdale, without definite English office; Viscount Latimer of Danby, as *Lord High Treasurer*; the Earl of Arlington, as *Principal Secretary of State*; and Sir Henry Coventry, as *Second Secretary of State*. It was a very unstable body, comprising irreconcilable elements; and farther changes might be expected. Nor were men wanting in the general council and ministry round the Cabal that might be available for such reconstruction. The Earl of Anglesey, a councillor since the Restoration, but never yet in such high office as seemed his due, had recently been made *Lord Privy Seal*; eminent and experienced councillors, more or less of the "country party," were the Earl of Carlisle, Viscount Falconbridge, Viscount Halifax, and Lord Holles; and a new councillor, of

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uncertain principles, was Mr. Edward Seymour, Speaker of the House of Commons¹.

FROM JUNE 1673 TO NOVEMBER 1674.

10 Session The *Tenth Session* of Parliament, at its rising on the 29th of March, had adjourned itself to the 20th of October. When Parliament did reassemble on that day, however, it was immediately prorogued to the 27th of the same month. The session which met on the 27th of October 1673, though only to be prorogued again on the 4th of November, is to be remembered, therefore, as the *Eleventh Session* of the Cavalier Parliament.

St. 27. 1673.
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It owed its brevity to its own behaviour. Still in the vehement "No Popery" temper of the former session, it had been provided with a special aggravation of its rage against the Roman Catholics by the fact that the Duke of York had chosen for his second wife the young Roman Catholic princess Maria d'Este, sister of the Duke of Modena. He had already been married to her in Italy by proxy, and was now expecting her in England. Paying no attention, therefore, to the requests of the King and of Chancellor Shaftesbury, in their opening speeches, for continued support in the war against the obstinate Dutch, the Commons fell on the subject of the Duke of York's re-marriage. They had already, at their meeting of the 20th as an adjourned House, agreed on an address to Charles praying him to disallow the marriage with the Duchess of Modena and to refuse his assent to the Duke's marriage with any other person not a Protestant; and this address they renewed with the utmost determination, the King's arguments to the con-

¹ Beatson's Political Index; Wood's Fasti, II. 161; Burnet, II. 10-12; Christie's *Shaftesbury*, II. 144, et seq.; Lingard, XII. 277.

trary only rousing them the more. They also threatened a Disabling Bill against the Roman Catholics more sweeping and severe than the Test Act itself, and they voted a standing army to be a grievance. Thus utterly unmanageable, the two Houses were suddenly prorogued on the 4th of November to the 7th of January 1673-4, but not till the Commons, keeping their doors shut, and detaining the Speaker in the chair by force while the Black Rod was knocking outside, had hurriedly passed three significant parting resolutions. The first declared that the alliance with France was a grievance; the second declared that the evil councillors about the King were a grievance; and the third declared that the red-headed Duke of Lauderdale was a grievance by himself¹.

On the 9th of November 1673, five days after the prorogation, Shaftesbury was dismissed from the Chancellorship, and ceased to be any longer a member of the Cabal. Hardly had he been dismissed, indeed, when efforts were made to bring him back again. But he had resolved on a different employment of his abilities for the rest of his life. He had become aware by this time of the real purport of that Secret Treaty of Dover of which he and others had been so long the unconscious dupes; he had been studying the present feelings of his countrymen, and their future needs; and his conclusion had been that he would extricate himself from his connexions with Charles, and be the independent chief of a popular English policy. Henceforward, accordingly, Shaftesbury assumes that final character by which he is best remembered, the "wise Achitophel" of the infant English Whigs, their "daring pilot in extremity,"-the "fiery soul" in a "pigmy body" that could scheme for

¹ Parl. Hist. and Rapin; Christie's *Shaftesbury*, II. 151-155.

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them and lead them. The Cabal, as he had left it, consisted of the Duke of York, Ormond, Buckingham, Lauderdale, Latimer of Danby, Arlington, and Sir Henry Coventry, together with Sir Heneage Finch, who had been Attorney-General since 1670, and had now been selected as Shaftesbury's successor in the Great Seal, though only with the title of *Lord Keeper*. They were still an ill-assorted body, and it could not be foreseen which of them, or whether any of them, would predominate. Meanwhile they had to do their best for the King in the coming session of Parliament. One difficulty had been removed out of their way by the actual arrival of the young Duchess of Modena and the completion of her marriage with the Duke of York on the 21st of November¹.

Session

The *Twelfth Session* of the Parliament (Jan. 7—Feb. 1673-4) was another short "No Popery" session. At once, both in the Lords, where Shaftesbury led the Opposition, and also in the Commons, the accumulated passion of the last few months broke forth irrepressibly and at all points. The alliance with France was denounced; the war with the Dutch was denounced; the Duke of York's marriage was again attacked; a standing army in England was again declared to be a grievance; even the institution and retention of the regiments of the Guards were declared unconstitutional and dangerous. Addresses were carried for removing Lauderdale and Buckingham from the King's presence and counsels for ever; and there was modified procedure to the same effect against Arlington, as the only remaining member of the old Cabal. Nothing of a questionable kind that had been done of late years, or even through the

¹ Christie, II. 155 and 179-187.

whole reign of Charles, escaped mention and criticism. Through all, and giving unity to all, there ran, however, the "No Popery" enthusiasm. There was a prayer to the King for a proclamation ordering all Papists, not householders or otherwise privileged, to withdraw from London; there was a prayer for a fast-day for imploring the protection of the nation against Popery; there was an address for holding the militia of the counties in readiness against designs or risings of the Papists; there were debates as to securities to be taken for the Protestant education of the children of Roman Catholics in the royal family, or of Roman Catholic noblemen; even the subject of the exclusion of Roman Catholics from the succession to the throne was daringly broached. A new and more universal and searching Test Act was also in preparation in the Commons.—One result of this many-sided pressure upon Charles was a sudden conviction on his part that he must abandon his alliance with Louis against the Dutch. Accordingly, the Dutch having again made overtures for a separate peace with England, and Charles having consulted the two Houses on the 24th of January, and Sir William Temple having speedily adjusted the terms with the Spanish ambassador in London, the Houses were informed on the 11th of February that a peace had been signed. It was with infinite regret and some shame that Charles communicated to Louis the humiliating conclusion to which he had been thus driven; but Louis received the news more good humouredly than could have been expected. He acknowledged that Charles could hardly have done otherwise in his hard circumstances; and, though his advances to Charles on the ground of their partnership against the Dutch amounted now to a vast sum, lost

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irrecoverably, he did not see that their relations should not continue on some such footing that Charles might still be of use to him and entitled to draw £100,000 yearly in present pension, with more on specific occasion. —Having made peace with the Dutch, and having also yielded to the Parliament in such matters as the proclamation against the Roman Catholics, the appointment of a fast-day for “No Popery” prayers and sermons, consent to disband his forces, &c., Charles hoped that the two Houses would be satisfied and that a handsome subsidy would be at last forthcoming. But the Houses had not yet worked out their “No Popery” resolutions to the full. They occupied themselves still with the new Test Act for disabling Roman Catholics universally, and with discussions as to the treatment and cure of Roman Catholicism in the royal family; and, in their search after miscellaneous matters of suspicion and grievance, they ranged even to Ireland and Scotland, proposing a rigid inquiry in particular into certain recent measures of Lauderdale and the Scottish government for levying forces for unknown purposes. At length, finding the Parliament in a mood from which nothing could be hoped, Charles again prorogued it on the 24th of February 1673-4, before it had sent up to him a single completed bill. The prorogation was to the 10th of the following November; but, by subsequent postponement, there was not to be another meeting of Parliament till April 1675¹.

The state of affairs in England in the abeyance of Parliament through the rest of the year 1674 may be described generally by saying that the country was then in the beginnings of THE DANBY ADMINISTRATION. For,

¹ Parl. Hist. and Rapin; Christie, II. 185—200.

though Arlington, Lauderdale, and Buckingham had survived the attacks made upon them in the late session of Parliament, and were still of the Cabal, and though Ormond, Lord Keeper Finch, Sir Henry Coventry, and even the Duke of York, remained also members of the body, the Englishman who was proving himself all in all the most efficient for the King's purposes in the new condition of affairs was the Lord Treasurer Osborne, Viscount Latimer of Danby. He was "a positive and undertaking man," says Burnet; "a plausible, well-spoken man, of good address, and cut out naturally for a courtier," Shaftesbury himself admits; but, as these and other authorities agree, monstrously unscrupulous. He had gained so much on Charles that on the 27th of June 1674 he was raised from his Viscountcy to an Earldom by the title of Earl of Danby; and from that date, Ormond's reappointment to the Irish Viceroyalty taking him again to Ireland, the formal *premiership* in England was more distinctly and continuously in the hands of Lord Danby than it had been in those of any other minister since the fall of Clarendon. It seemed also as if Clarendon's general policy had come back in the person of this astute successor. *Mutatis mutandis* after the lapse of seven years, Danby was to be a kind of second Clarendon in his ecclesiastical notions and in his notions of government generally, though with a faith all his own in the power of bribery and corruption for managing persons and Parliaments. It was to be chiefly in consequence of Danby's manipulation of the future sessions of the long Cavalier Parliament that the name of "The Pensionary Parliament" was to be affixed to that body. His opportunities of this kind were yet to come, and through 1674 the limit of his powers was in

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conducting the King's private English counsels and managing his colleagues. In September in that year there was a modification of the Cabinet to suit his views and those of Charles. Buckingham, out of favour for some time, was sent adrift almost with insult, to join his forces to those of Shaftesbury in the opposition, or do otherwise as he might think fit; Arlington, retained in the Cabinet, was promoted to the office of *Lord Chamberlain* in succession to the Earl of St. Alban's, but with an understanding that his star was to set finally in that dignity; and in succession to Arlington in the vacant *Secretaryship of State*, and with a payment to him of £6000, there was brought in Sir Joseph Williamson, M.P. for Thetford, formerly Arlington's under-secretary and clerk of the Council, and more recently one of the English plenipotentiaries at Cologne. The King still placed immense trust in the Duke of Lauderdale, whom he had created an English peer, with the title of Earl of Guildford and Baron Petersham, two days before he raised Danby to his earldom. But, though it might thus seem that Danby and Lauderdale were co-equals, and though Lauderdale had the higher rank, there had come to be something like an understood partition of powers between the two favourites, Lauderdale content thenceforward in the main with the Scottish supremacy, and leaving to Danby the credit of the English¹.

All that seems farther necessary, before we take leave of the politics of England in 1674, is a view of the state of the royal family in that year. It was as follows :—

¹ Rapin for 1674; Christie, II. 197—199 and 312—313; with gleanings from Peerage Books, Beatson, British Chronologist, Anthony Wood, and Carte's *Ormond*.

HIS MAJESTY, CHARLES THE SECOND: *ætat.* 45.

HIS QUEEN, CATHARINE OF BRAGANZA: childless.

THE KING'S ACKNOWLEDGED CONCUBINES STILL LIVING:

—(1) BARBARA VILLIERS, known as Lady Castlemaine for some time, but since 1670 as Duchess of Cleveland, Countess of Southampton, and Baroness Nonsuch; (2) MARY DAVIS, the actress; (3) NELL GWYNN, the actress; (4) The Frenchwoman LOUISE DE QUEROUAILLE, called by the Londoners for some time Madam Kerwell or Carwell, or anything else that would pass, but ennobled since 1673, as Duchess of Portsmouth, Countess of Fareham, and Baroness Petersfield. She had an estate and title in France by gift from Louis XIV, and was the chief political medium between Louis and Charles. Though the principal mistress, she had not dispossessed others in the King's regards; and the fascinating Nelly, who had no title, was still liked by him and was indubitably the popular favourite.

THE KING'S ACKNOWLEDGED NATURAL CHILDREN:—

These are enumerated as twelve in all: to wit:—(1) James Crofts, or Fitzroy, or Fitzroy-Scott, DUKE OF MONMOUTH AND BUCCLEUCH since 1663, and now *ætat.* 25. He had been of the Privy Council since coming of age; held other honours, and was still very popular; had recently seen military service in the French army against the Dutch and received from Louis the compliment of being made a lieutenant-general, and had just been elected to the Chancellorship of the University of Cambridge, in succession to Buckingham, displaced from that office by the King's desire. There had been born to the Duke and his young Scottish Duchess a son, called the Earl of Dalkeith, from whom the present Buccleuch family are descended. (2) A daughter Mary, by the same mother, Lucy Waters. Though the sister of Monmouth, she attained no other distinction than becoming the wife of an Irish gentleman, and afterwards of an English. (3) A daughter called Charlotte-Jemima-Henrietta-Maria Boyle or Fitzroy, born of Elizabeth, Viscountess Shandon, whose husband was a brother of the Earl of Orrery, Robert Boyle, and Lady Ranelagh. This natural daughter married first a Howard of the Suffolk family, and afterwards Sir William Paston, bart., created Viscount Yarmouth in 1673, and Earl of Yarmouth in 1679. (4) Charles Fitzcharles, born of a Mrs. Catherine Peg: He died in Tangier. (5) A daughter by the same Mrs. Peg, who died in infancy. (6) Charles Fitzroy, the King's eldest child by the Duchess of Cleveland, and her heir-designate

in that Duchy, but created also Duke of Southampton, Earl of Chichester, and Baron Newbery in 1675. (7) Henry Fitzroy, another son by the Duchess of Cleveland, created Earl of Euston in 1672, and Duke of Grafton in 1675, still in his boyhood. (8) George Fitzroy, also by the Duchess of Cleveland, created Earl of Northumberland in his infancy in 1674, and Duke of Northumberland in 1683. (9) Charlotte Fitzroy, a daughter by the same Duchess of Cleveland. She was to marry Sir Edward Henry Lee of Ditchley, co. Oxon, who became Earl of Lichfield. (10) A daughter by Mary Davis, called Mary Tudor, who was to marry Francis, Lord Ratcliffe, afterwards Earl of Derwentwater. (11) Charles Beauclerk, son of Nell Gwynn, and ancestor of the St. Alban's family. He was born 1670, created Earl of Burford in 1676, and Duke of St. Alban's in 1684. (12) Charles Lennox, son of the Duchess of Portsmouth, and ancestor of the house of Richmond. He was born July 29, 1672, and created Duke of Richmond in 1675.—Older than all these, some recent authorities say, was a certain mysterious James La Cloche, born to Charles by a Jersey girl so long ago as 1646 or 1647, when Charles was but sixteen or seventeen years of age. The story is that this boy had been brought up as a Protestant in Holland, had come to England by his father's desire in 1665, had lived there for about two years in some secret way about the Court, but returned to the continent, became a Roman Catholic at Hamburg, "entered the novitiate of the Jesuit society in Rome" in the end of 1667, and afterwards came and went between Rome and London, under the name of Henri de Rohan, as a confidential agent in his father's Catholicity scheme. If this vague personage was the son of Charles, and carried with him, as it is said he did, Charles's own written acknowledgment of the fact, he had rights of priority over even the Duke of Monmouth.

THE NEXT IN SUCCESSION TO THE THRONE:—These were the Roman Catholic Duke of York, now *etat.* 41, and, after him, his two only surviving children by his first wife: viz. the Princess Mary, *etat.* 13, and the Princess Anne, *etat.* 9. Measures had been taken for bringing up these two girls as Protestants; and, since the peace with the Dutch, there had been speculation by Danby, Arlington, and others, whether it might not be arranged that Mary should become the wife of the Prince of Orange, the heroic young Stadtholder of the Dutch Provinces. There was just a chance, however, that the Duke of York's second wife,

Mary of Modena, might bring him a son and heir; in which case Clarendon's grand-daughters would be set aside by an interloping half-Italian¹.

What of novelty in English Literature during those seven years, from 1667 to 1674, the political history of which has been thus sketched? The question brings us back to Dryden.

In November 1667, just after Dryden had so successfully divided himself between the two London theatres, giving his *Maiden Queen* to the King's or Killigrew's and his *Sir Martin Mar-all* to the Duke's or Davenant's, there was produced at this latter theatre an extraordinary adaptation from Shakespeare by Dryden and Davenant jointly, under the title of *The Tempest, or the Enchanted Island*. The thing has been universally condemned since as a desecration of Shakespeare's great play; but, with the aid of music and scenery, it made a fine show at the time.²

The play was still new to the boards, and had not been published, when, on the 7th of April 1668, Davenant died. Who was to succeed him in the Laureateship? Had the vacancy occurred three or four years sooner, when *Hudibras* was new to the public, the claims of Butler might perhaps have been discussed. Not only had the morose Butler, however, made himself ineligible by retiring into his cave, but it had become almost a necessity that the Laureateship should be retained among the dramatists. Among these certainly Dryden was the chief. Author of five plays and in part

¹ Peerage Books, &c.; and, for the story of James La Cloche, Father Boero's *Istoria della Conversione*, &c. (see ante, p. 220, note). I am not satisfied as to the authenticity of all the documents there mentioned in connexion with the La Cloche story; but there are traces of La Cloche or Henri de Rohan elsewhere.

² Scott's *Life of Dryden* and *Dryden's Plays and Prefaces* in Scott's Edition of *Dryden's Works* (1808).

of two more, author also of the *Annus Mirabilis*, and of some masterly pieces of criticism in the form of prose essays and prefaces reviewing the past history of English literature and all but assuming the superintendence and direction of the English literature of the Restoration, who so fit as Dryden to be Davenant's successor? The surprise, indeed, is that Dryden was not appointed to the office at once. That there was some such intention may be inferred from the fact that on the 17th of June 1668 the degree of Master of Arts, which Dryden had neglected to take in the regular way at Cambridge, was conferred on him *ex gratia* by Archbishop Sheldon at the King's special request. For some reason or other, however, the Laureateship was left vacant for more than two years. Possibly the Buckingham Cabal, or Buckingham and Arlington Cabal, in power from 1667 to 1670, did not care to promote Dryden¹.

His dependence for more than two years was still, therefore, mainly on his dramatic industry. In this respect he was not badly off. While Davenant was yet alive, an arrangement had been made by the King's or Killigrew's company for stopping that loan of Dryden's talents to the rival house which had led to the production there of *Sir Martin Mar-all* and the adaptation of *The Tempest*. On the understanding that he was to write no more for the Duke's company, but exclusively for the King's, and at the rate of three new plays for the King's every year, he had been admitted a partner in the concern to the extent of a share and a quarter out of a total of twelve shares and three quarters, i. e. with a right to about a tenth of the entire annual profits of the theatre. The income thus secured is estimated at

¹ Scott's *Life of Dryden* and Christie's *Memoir*.

between £300 and £400 a year in the money of that day. With such an inducement Dryden seems to have exerted himself at first to perform his part of the contract to the full. The following were his labours for the King's theatre during the two years of the abeyance of the Laureateship:—*An Evening's Love, or the Mock Astrologer*, a comedy, chiefly in prose, produced in June 1668, and published immediately afterwards, with a critical preface, and an epistle dedicatory to the Duke of Newcastle; *Ladies à la mode*, a comedy from the French, produced in September 1668, but so unsuccessfully that it was withdrawn after one performance and never published; *Tyrannic Love, or the Royal Martyr*, a tragedy in rhyme, produced in February 1688–9, and published the following year, with a dedication to the Duke of Monmouth; and *Almanzor and Almahide, or the Conquest of Granada by the Spaniards*, a rhyming tragedy in two parts, produced in 1670, and afterwards published, with a dedication to the Duke of York, an essay on heroic plays, and other critical accompaniments. In the two comedies Dryden had done himself no additional credit; but in the *Tyrannic Love* and the two parts of the *Conquest of Granada* he was thought to have reached his very highest in heroic rhyming tragedy, and to have established that form of play in the possession of the English stage. The chief parts in them were acted magnificently by Mohun, Hart, Kynaston, Ann Marshall, Mrs. Boutel, and Nell Gwynn; there were crowded houses and continued applauses; and Nelly's appearance in the epilogue to *Tyrannic Love* is matter of history. Having killed herself in the last scene of the tragedy in the paroxysm of supernatural virtue required by the part, she was being borne slowly

off the stage as a corpse, when, resuming her natural character, she addressed her bearer,—

“Hold! are you mad? you damned confounded dog!
I am to rise and speak the epilogue;”

and then, running to the footlights, began—

“I come, kind gentlemen, strange news to tell ye:
I am the ghost of poor departed Nelly.
Sweet ladies, be not frightened; I’ll be civil:
I’m what I was, a little harmless devil;”

and ended:—

“As for my epitaph when I am gone,
I’ll trust no poet, but will write my own:—
‘Here Nelly lies, who, though she lived a slattern,
Yet died a princess, acting in St. Catharine.’”

It was too ravishing, and the authorities date Nelly’s complete conquest of Charles from her flushed run to the footlights that evening, Feb. 9, 1688–9¹.

What with the triumphant success of Dryden’s last rhyming heroic plays, what with the effects of his encomiastic dedications to the Duke of Monmouth and the Duke of Newcastle and his acquisition of new patrons in the Duke of York and Sir Thomas Clifford, his promotion to the Laureateship could no longer be deferred. On the 18th of August 1670, about four months after the formation of the “Cabal Ministry” usually so called, and three months after the Secret Treaty of Dover, Dryden obtained his official patent. It was in very handsome terms, appointing “John Dryden, Master of Arts,” to be not only Poet Laureate in succession to Davenant, but also Historiographer Royal in succession to James Howell, who had died in November

¹ Scott’s *Dryden, the Life and the Plays*; Christie; Genest’s *English Stage*.

1666. The salary for the conjoint offices was to be £200 a year, with the customary annual butt of Canary wine from the King's cellars. To compensate for the delay, the payment was to be retrospective from Midsummer 1668, or the first quarter day after Davenant's death. From 1668, therefore, if we add to Dryden's £200 a year from the Laureateship, and his £300 or £400 from his partnership in the King's theatre, his other incidental earnings by publication and dedications, and his patrimonial income of £40 a year from his Northamptonshire property (increased to £60 a year by the death of his mother in 1670), his total yearly income can hardly have been less than between £700 and £800; which was then worth for all purposes about £2500 a year now. In 1670 he was in his fortieth year, and thenceforward, to all appearance, his prosperity was assured. If he was not yet quite the "glorious John" of whom Claud Halcro was to carry away such delightful reminiscences to the far Shetlands, he was growing into that character, and was indubitably the most observed man in the daily gatherings of the wits of London in Will's coffee-house in Bow Street, or among the more select visitors to Herringman's shop on the other side of the Strand¹.

Dryden's Laureateship was to extend to 1688, and we are concerned here only with the state of English literature from August 1667 to November 1674. That period includes the last eight months of Davenant's Laureateship, and only the beginnings of Dryden's, whether we measure those beginnings by the four years and three months from Dryden's formal laureation or by the six

¹ Scott's *Life of Dryden*, pp. 113—117; Christie's *Memoir*; Cunningham's *London*, Art. "Will's Coffee-house."

years and eight months from Davenant's decease. Altogether there is not much of novelty to report concerning the second seven years of the literature of the Restoration.

The Drama was still paramount. Thomas Killigrew and others of the Killigrew family, with Mohun, Hart, and several more of the actors, still managed the King's theatre; and, at or shortly after Davenant's death, the management of the Duke's came into the hands of Betterton, Harris, and Mr. Charles Davenant, the last representing the very considerable proprietary interests of his mother, Lady Davenant, the poet's widow. On the 9th of November 1671 the latter company removed from their theatre in Lincoln's Inn Fields to a much larger one, called the Dorset Gardens Theatre, which they had built by subscription in Salisbury Court, Fleet Street; and in February 1671-2, the King's Theatre in Drury Lane having been burnt down, the King's company were glad to avail themselves of the premises in Lincoln's Inn Fields which had thus been conveniently left vacant by their rivals. They continued their performances there till March 26, 1674, when they were able to return to a new theatre in Drury Lane, designed by Sir Christopher Wren. On the whole, by these changes, though the King's company had a serious loss in the burning of their theatre, and Dryden's share of the loss was about £400, there was no interruption of the business of the London stage. A list of about a hundred plays could be made out that are known to have been produced successively at one or other of the theatres, and to have had their runs of so many nights each, from the middle of 1667 to the end of 1674. Plays by Shakespeare, Beaumont and Fletcher, Ben Jonson, and others of the older writers were still in

occasional demand; successful Restoration plays of the previous seven years, including some of Davenant's, Dryden's, Sir Robert Howard's, and Lord Orrery's, were duly revived from time to time; but there was a larger draft than before on fresh industry. To the new plays by Dryden himself already mentioned as having been performed between 1667 and his accession to the Laureateship in 1670 there were added *Mariage à la Mode*, a comedy in mixed prose, blank verse, and rhyme, acted in 1672 and published with a flattering dedication to the blackguard young Earl of Rochester, *The Assignment, or Love in a Nunnery*, a comedy of similar construction, acted in the same year, and published with a dedication to Sir Charles Sedley, and *Amboyna, or the Cruelties of the Dutch to the English Merchants*, a tragedy in prose and blank verse, hastily concocted in 1673 to stimulate the flagging animosity against the Dutch. This last was published in June of that year, with a dedication to Lord Clifford, just after the retirement of that Roman Catholic statesman from the Cabal in consequence of the Test Act. Evidently Dryden had become lazier since his appointment to the Laureateship; for, though he was drawing his profits of over £300 a year from the King's Theatre as before, he had not from that date given the theatre one third of his promised number of plays annually. No complaint on that score had yet been made by his co-partners; nor was either theatre in want of playwrights who could compete for the supply of its full requirements. Sir Robert Howard and his brothers Edward and James were not exhausted; the Earl of Orrery deigned to attempt at least one comedy, by way of variety after his heroic plays; Etherege and Sedley were not quite

dle; Buckingham flashed out brilliantly in one farce; the actor Lacy wrote another comedy; Betterton tried his greater hand in two; and one heard much now of such later candidates for dramatic fame as Thomas Shadwell, William Wycherley, John Crowne, Edward Ravenscroft, Elkanah Settle, and the warm-blooded Dutch-English lady, Mrs. Aphra Behn. Before the end of 1674 Shadwell had produced five of his comedies and a tragedy, Wycherley all his four classic comedies, Crowne two of his plays, Ravenscroft two of his, Settle two of his heroic tragedies, and Mrs. Behn at least three of her naughty comedies, in addition to some of her poems and naughty novelettes. Nat Lee and Thomas Otway were but just on the horizon, stripling actors who had failed on the boards and were meditating poetry and play-writing as easier work¹.

It was not mere laziness that made Dryden less prolific of dramas between 1670 and 1674 than he had previously been. The competition of some of the younger craftsmen had disturbed his temper and drawn him into personal controversies. The extraordinary success, more especially, of Settle's two heroic tragedies, *Cambyzes*, *King of Persia* and *The Empress of Morocco*, the first acted in 1671 and the second in 1673, had challenged Dryden's rights in the very walk he thought his own. It is now a marvel how this wretched Elkanah Settle, remembered only as a ludicrous object in English literary history, should have for a year or two of his youth disputed the poetic supremacy with Dryden. But so it was. Rochester had deserted Dryden and taken Settle under his patronage; half the court and more

¹ Genest's *English Stage*; Dryden's Works; Baker's *Biographia Dramatica*; Notes from the Stationers' Registers.

than half the town were won over to Settle; passages of Settle's *Cambyzes* and *Empress of Morocco* were quoted against the best in Dryden's *Tyrannic Love* and his *Conquest of Granada*; at the Universities, where it was keenly discussed whether Dryden or Settle was the greater genius, "the younger fry," we are told, "inclined to Elkanah." Although Dryden, Crowne, and Shadwell clubbed together to crush the young upstart by an abusive pamphlet, entitled *Remarks upon the Empress of Morocco*, he was not to be so crushed, but retorted vigorously in *Notes and Observations* of self-defence and counter-attack.

There would have been annoyance enough for Dryden in this controversy with Settle and in a similar exchange of personalities at the same time with young Ravenscroft. But there was much more to trouble him. His cherished doctrines of dramatic construction, and especially his doctrine of the superiority of rhyme to blank verse for all serious dramatic purposes, had never been cordially accepted either by the public or by the critics; and even as early as 1668 there had been a passage at arms on the subject between him and his brother-in-law Sir Robert Howard. This little quarrel between the brothers-in-law, however, had been soon made up; and it was not till Dryden had been settled in the Laureate-ship that the full storm of criticism burst upon him. Then it was, just when he could congratulate himself on having exhibited the capabilities of the heroic play to the utmost in his *Tyrannic Love* and *Conquest of Granada*, and his only danger seemed to be from the competition of Elkanah Settle and others in that form of the drama, that there broke forth at last the public expression of disgust with heroic plays themselves.

It broke forth at many points, and was continued till 1674 in pamphlets and squibs against Dryden by Matthew Clifford, Richard Leigh, and others. Already, however, the fatal blow had been inflicted in the famous farce of *The Rehearsal*, first produced on the 7th of December 1671 at the King's Theatre by Dryden's own company, acted with increasing effect through that winter, and published in 1672. This farce, the work chiefly of the Duke of Buckingham, but with help from his chaplain Sprat, and also from Samuel Butler and the above-named Matthew Clifford, had been in preparation while Davenant was alive, and the intention is said to have originally been to make Davenant the chief character and satirize heroic plays in his person. Now, however, all had been reshaped to fit Dryden. Under the name of the poet Bayes, which was but an obvious metaphor for "The Laureate," he was made to figure through the farce as present at the rehearsal of an imaginary rhyming tragedy of his own, called "The Two Kings of Brentford," directing and scolding the actors, running upon the stage now and then to show them what to do, and keeping up all the while a chatty conversation with two friends, Smith and Johnson, whom he has posted at the side of the stage to observe the success of the performance, and to whom he expounds the merits of the play, the thread of the story where they fail to catch it, and his intention in this part or that where the meaning is obscure. At the close of the second act Bayes is made to tumble on the stage and break his nose in trying to instruct one of the actors how to fall dead properly, and through the last three acts he goes about with a patch of wet brown paper over the bruised organ. In the fifth act, having gone

out for a minute, he finds, on his return, that Smith and Johnson, who have been secretly laughing at him all along, have gone off to dinner without bidding him good-bye, and that the actors, equally sick of the whole business, have gone off to dinner too. Imagine such a piece acted night after night before crowded houses in Dryden's own theatre, the part of Bayes by the popular Lacy, dressed to look as like Dryden as possible, and mimicking his voice, gait, and manner, the better to set off the hesitations and confusions of speech, and the interjections "faith," "i' gad," "i' fackins," which Buckingham had taken care to transfer from the real Dryden's conversation to the caricature of it in Bayes's mouth. Imagine also the studied absurdity of the burlesque in the imaginary heroic play, the ludicrously impossible situations, the utterly inexplicable plot, the snatches of extravagant simile and bombastic rhyme, the actual parodies of passages from the latest and best known of Dryden's rhymed dramas, the conversion of his ranting hero Almanzor into a grotesque Drawcansir, and the echoes of his manner of rhyming, even to his trick or device of the occasional sonorous triplet. The two Kings of Brentford, having descended in a cloud, and seated themselves on the throne together, are being entertained by a grand dance in front of them before they proceed to serious counsel on state-affairs, when an alarm sounds, and enter two heralds :—

"1st King. What saucy groom molests our privacies?

1st Herald. The Army's at the door, and, in disguise,
Desires a word with both your Majesties:

2nd Herald. Having from Knightsbridge hither marched
by stealth.

2nd King. Bid 'em attend a while and drink our health.

1st King. Here, take five guineas for those warlike men.

2nd King. And here's five more: that makes the sum
just ten.

1st Herald. We have not seen so much the Lord knows
when."

Buckingham's farce was a very clever and opportune piece of satire. It was caricature throughout, but an excellent specimen of that style of art; and, though we naturally condemn it now as irreverent to Dryden, yet, let any one put himself back to the proper moment by reading one of those heroic plays of Dryden which it satirized, and it will be a very pompous reverence indeed for the name of Dryden that will prevent the acknowledgment that Buckingham's farce deserved the applauses which it received, and was, for its date, a sound and successful operation in literary surgery. He and many more were surfeited with the rhyming heroics of the Restoration Drama, and, if nothing better was to offer itself in the guise of serious or ideal poetry, were entitled at least to the moderate wish expressed in the epilogue to *The Rehearsal*:—

"Wherefore, for ours and for the kingdom's peace,
May this prodigious way of writing cease.
Let's have, at least once in our lives, a time
When we may hear some reason, not all rhyme.
We have this ten years felt its influence:
Pray let this prove a year of prose and sense¹."

Dryden could not yield at once. In his essay *Of Heroic Plays*, published in 1672, he defended that species of drama and his own exertions in it as well as he could, though without a single word of reference to Buckingham's attack. "Whether heroic verse ought to

¹ Scott's *Life of Dryden*; Preface to the *Duke of Lerma* in the *Dramatic Works of Sir Robert Howard* (edit. 1722); Dryden's Defence of his *Essay of Dramatic Poesy*; Arber's excellent Reprint of the first edition of *The Rehearsal*.

"be admitted into serious plays is not now to be disputed," he said ; "it is already in possession of the stage, "and I dare confidently affirm that very few tragedies "in this age shall be received without it." This opinion was never formally retracted. One can see, however, that *The Rehearsal* and the other attacks of the first four years of his laureateship had shaken his confidence in his favourite practice ; and there is evidence, moreover, that about the year 1674 he was becoming tired of the Drama altogether, and thinking of some new employment for his talents. Such new employment, plenty of money being one of the conditions, was not easily to be found, and Dryden was to go on writing plays almost to his life's end, though only one more was to be in rhyme. Not till seven years beyond our present date did he strike out those new paths in rhyming verse his successes in which were to count for so much more with posterity than all his successes as a dramatist. We are dealing with Dryden, it is to be remembered, at a time when the extent and variety of his faculties were not half revealed and when it was still unknown to Buckingham and his other critics how terribly he could revenge himself.

Apart from the Drama, what was the condition of English literature in the seven years from 1667 to 1674 ? Here again, as for the preceding seven years of the literature of the Restoration, the Stationers' Registers tell but a sorry tale. In no year, from 1668 to 1674 inclusively, does the number of registered book-transactions rise higher than to between eighty and ninety ; and, when it is remembered that a proportion of those registrations were of plays, the official newspapers in batches every three months or so, or mere transfers of old copyrights from one bookseller to another, it will

be inferred how meagre is the show of original book-production out of the département of the acted drama. The Censorship and the Press Acts of Charles being still strictly in force, we cannot suppose any very great amount of authorship to have escaped unlicensed and unregistered. Roger L'Estrange was still the chief licencer, and almost all the plays and other books of light literature through the seven years are registered under his permission. Lord Arlington or Sir Joseph Williamson officiated sometimes, but the duty of licensing heavier books was distributed among several clergymen, among whom the Mr. Thomas Tomkyns who had licensed *Paradise Lost* was still one, and Mr. Samuel Parker was another. They had very little to do. So far as the registers show, we should know little more than that Baxter, Owen, Cudworth, Stillingfleet, Tillotson, Henry Stubbe, Robert Boyle, Izaak Walton, and one or two more of the prose-authors of our previous Restoration list, were still in the land of the living; and in the whole series of individual registrations of new books of a poetical kind through the seven years, if we deduct those of the successive plays of Dryden, Orrery, the Howards, Shadwell, and the rest, there is positively only one of real interest now in English literary history. It is the registration of Milton's *Paradise Regained* and *Samson Agonistes* together by John Starkey on the 10th of September 1670¹.

The registers, of course, even if they included all that was actually published in London through the seven years (which they certainly do not), cannot be taken as fully representing the literary activity of England through those years. Much was in preparation that was to be

¹ My notes from the Registers from Aug. 1667 to the end of 1674.

published afterwards. Bunyan, for example, had brought his *Pilgrim's Progress* out of prison with him, finished, or all but finished, and to be added in due time to his *Holy City* and other writings already in print. Hobbes, advancing from his eightieth year to his ninetieth, and with his *Opera Philosophica Omnia* lying behind him safe in an Amsterdam edition, was writing or recasting his *Behemoth, or History of the Civil Wars*, and hammering out his marvellous translation of the whole of Homer. Clarendon's great history was completing itself on paper abroad ; at home Barrow, Cudworth, Howe, Henry More, South, Stillingfleet, Tillotson, and others of the speculative or practical theologians known before the Restoration or immediately afterwards, had by no means ceased their labours ; and, among their versifying contemporaries who were versifying still, though not for the stage or for open publication at the moment, one is bound to remember Waller, Marvell, and Butler. Of Waller we have seen enough ; we shall hear of Marvell again ; but poor Butler cannot be dismissed here without a parting glance.

They had never thought of making Butler poet-laureate in succession to Davenant. They had accepted his two parts of *Hudibras* in 1662-4, and had laughed over them and continued to carry them about and quote them ; but they had done nothing for the author whatever, unless it could be counted something that Clarendon, when forming his great collection of national portraits for the decoration of his Piccadilly mansion, had taken care to include Butler's, and had given it a specially conspicuous place among those in his dining-room. Through the interval, though there are traces now and then of Butler at dinner tables where he could be seen by Pepys,

or in momentary connexion with Buckingham and other aristocratic patrons, one has to fancy him walking more and more by himself in the old streets about Covent Garden, near the churchyard where one can now see his grave, and growing more and more crabbed and cynical from increasing age and poverty and the sense of undeserved neglect. He had still his unfinished *Hudibras* in hand to occupy him when he cared to take up the pen, and a third part of the burlesque was to appear before he died ; but his chief pleasure now seems to have been in scribbling those miscellaneous scraps in prose and verse, entitled *Thoughts, Satires, Characters*, and the like, in which he vented his ill humour on persons and things indiscriminately, and which he was to leave among his papers to be printed posthumously if any one should choose. Here is one of them :—

“ Dame Fortune, some men’s tutelar,
Takes charge of them without their care ;
Does all their drudgery and work,
Like fairies, for them in the dark ;
Conducts them blindfold, and advances
The naturals by blinder chances :
While others by desert or wit
Could never make the matter hit,
But still, the better they deserve,
Are but the abler thought to starve.”

Among the special objects of his satire in those witty scraps are the Royal Society, Boyle and Dr. Charlton as two of its Fellows, the Duke of Buckingham, Dryden’s Rhyming Heroics, and one of the poems of the Honourable Edward Howard ; but other celebrities are snarled at, and there is hardly a good word for anybody. What one principally observes, however, is the movement of Butler’s mind in his later days out of his former

Hudibrastic mood of mere anti Puritanism into a mood of general pessimism, brought on by the contemplation of all he saw around him in the reign of Charles the Second. He still growls at the Fanatics, the Anabaptists, the Quakers, Nonconformists of all sorts ; but he despairs of human nature under all forms of Church alike, and he would lay the lash impartially on surviving Puritan hypocrites and on Charles and his courtiers :—

“Our universal inclination
Tends to the worst of our creation,
As if the stars conspired to imprint
In our whole species, by instinct,
A fatal brand and signature
Of nothing else but the impure.”

So in a piece entitled “Satyr upon the weakness and misery of Man” ; and another, entitled “Satyr upon the licentious age of Charles the Second” begins :—

“’Tis a strange age we’ve lived in and a lewd
As e’er the sun in all his travels viewed¹.”

Our date of 1674 is but half way through that lewd age. Could any other spirits be then descried, “standing apart upon the forehead of the age to come,” as Keats expresses it, and could “any hum of mighty workings” be heard among them from which a nobler future could be anticipated? Isaac Newton, now in his thirty-second year, and for some time Lucasian professor of Mathematics at Cambridge, had recently been elected a Fellow of the Royal Society ; but, unless what *he* had already thought out or was carrying as great conjecture in his mind is to be taken into the account, it would be difficult to detect anything in the English intellect about the year

¹ Letter of Evelyn to Pepys printed in Appendix to Evelyn’s Diary, p. 695 of edit. of 1870 ; Johnson’s *Life of Butler*, with Cunningham’s notes ; Butler’s *Genuine Remains in Verse and Prose*, edited by Thyer in 1759.

1674, or indeed for another generation or two, that could be described as "mighty workings" of any kind or in any direction. Locke, indeed, now forty-two years of age, and the client, friend, and admirer of Shaftesbury, was helping that displaced statesman in the formation of the Whig theory of politics, while beginning his own more general investigations towards a new English Philosophy that should be different from that of Hobbes; and among other persons, older and younger, who were, consciously or unconsciously, grouping themselves into what was to be known as the Whig party, one cannot but mark the liberal Gilbert Burnet. He had just resigned his Glasgow professorship of Divinity to settle in London at the age of thirty, and he had been appointed preacher at the Rolls Chapel. Though the names Whig and Tory did not come into use till 1679, Whiggism, or the Whig philosophy of politics, was a pretty definite phenomenon in the English mind before the death of Milton. But, though a very interesting and important phenomenon, it was hardly "a hum of mighty workings" in comparison with those profounder agitations of the English body-politic and soul-politic that were within recent recollection. English Whiggism was little else than English Puritanism and Republicanism strained and percolated painfully and secretly through the intervening medium of so many years of the restored Stuart misgovernment. Whatever were to be its virtues, as far as to 1688 or beyond, it was but the reappearance of the strong original article in a state of extremely mild dilution and refinement. One might call it Puritanism and water.

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